

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
P.C. 10/27/04 Item No.: 3.g.1, 2, & 3  
C.C.

File Number  
PDC 03-105, PD04-047, PT04-059

Application Type  
Planned Development Rezoning, Planned Development  
Permit, Tentative Map

Council District  
9

Planning Area  
Cambrian/Pioneer

Assessor's Parcel Number(s)  
447-34-077 & -082

### PROJECT DESCRIPTION

Completed by: Mike Mena

Location: Southwest corner of Kirk Road and Salisbury Drive

Gross Acreage: 0.81

Net Acreage: 0.81

Net Density: 7.4 DU/AC

Existing Zoning: A(PD) Planned Development

Existing Uses: Assembly Use/Church

Proposed Zoning: A(PD) Planned Development

Proposed Use: Six (6) single-family detached residential units/lots

### GENERAL PLAN

Completed by: MM

Land Use/Transportation Diagram Designation  
Medium Low Density Residential (8 DU/AC)

Project Conformance:  
☒ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: SNZ

North: Single-family detached residential

R-1-8 Residence

East: Church & Sanctuary

R-1-8 Residence

South: Single-family detached residential/Ross Creek

R-1-8 Residence

West: Single-family detached residential

R-1-8 Residence

### ENVIRONMENTAL STATUS

Completed by: MM

☐ Environmental Impact Report found complete  
☒ Negative Declaration circulated on October 7, 2004

☐ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: MM

Annexation Title: Ross No. 5

Date: 07/12/1956

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval  
☐ Approval with Conditions

Date: 10-21-04

Approved by: *Susan Walton*  
☐ Action  
☒ Recommendation

### DEVELOPER

### ENGINEER

### OWNER

Rockwell Homes, Inc  
C/o Kamil Navai  
1202 Meridian Avenue  
San Jose CA 95125

Allied Engineering Co.  
3170 Williams Road  
San Jose, CA 95117

Same as Developer

---

**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: MM

**Department of Public Works**

See attached memorandums

---

**Other Departments and Agencies**

- City of San Jose Fire Department
- City of San Jose Environmental Services Department

---

**GENERAL CORRESPONDENCE**

- California Regional Water Quality Control Board
- Mr. Larry Johmann P.E., CQE, CRE

---

**ANALYSIS AND RECOMMENDATIONS**

---

**BACKGROUND**

The applicant, Rockwell Homes Inc., is proposing the following land use approvals: (1) a rezoning from A(PD) Planned Development District to A (PD) Planned Development District to allow up to six (6) single-family detached residential units on individual lots, (2) a Planned Development Permit to allow the construction of the herein Planned Development Zoning, and (3) a Planned Development Tentative Map to subdivide the subject property from one lot into six individual single family lots. The proposed project site is 0.81 gross acre in size.

The three applications are being reviewed concurrently under the unified process as set forth in Title 20. Under the unified process, the approval procedure shall utilize that which is equivalent to the highest-level permit or approval. In this case, the highest-level approval would be the Planned Development Rezoning request that requires a recommendation by the Planning Commission and approval by the City Council. The final hearing body shall make the findings, if any, applicable to each permit or approval.

The surrounding neighborhood is predominantly developed with single-family detached residential units. The specific surrounding land-uses include another existing church/sanctuary across Kirk Road to the east and single-family houses located to the north, west and south (across Ross Creek) of the project site.

**Project Description**

The proposed project is designed to provide market rate, ownership housing. All new proposed lots will have street frontage and continue the existing street and lot pattern established in the area. The lot sizes will range between 4,748 square feet to 6,995 square feet. All of the houses will have four bedrooms with an overall size of approximately 2,500 square feet.

**GENERAL PLAN CONFORMANCE**

The proposed project to develop up to six (6) single family residential units on individual lots would result in a net density of 7.4 DU/AC, and is consistent with the site's San Jose 2020 General Plan Land Use

/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).

## ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration was circulated for the project on October 7, 2004. The primary environmental issues that were addressed include the demolition of the existing church, tree removals, noise, air quality and hydrology impacts associated with construction activity.

A memorandum from the Regional Water Quality Control Board had expressed the desire to explore the possibility of relocating Kirk Court out of the flood plain and requiring the proposed project to modify the culvert of Ross Creek at Kirk Court and Kirk Drive to allow an increased capacity of water flow. Staff did explore this option in consultation with the Santa Clara Valley Water District. The Santa Clara Valley Water District responded to the request, stating that the site is not located within the 100-year flood zone and that the existing culvert is of sufficient capacity and that the project would not be required to submit for a District Permit.

The project site contains 23 trees, of which 12 are proposed to be removed as a result of the project. Only one of the trees proposed for removal is of ordinance size. Each tree to be removed shall be mitigated in accordance with approved standard ratios. Additional mitigation related to construction activity would reduce potential impacts resulting from the proposed development to a less than significant level.

## ANALYSIS

The action before the Planning Commission is to make a recommendation to the City Council on all three of the proposed application requests simultaneously. The analysis section of this report addresses the key items that have the most significant impact with regard to neighborhood compatibility: 1) site design, and 2) architecture.

### Planned Development Zoning and Permit

#### *Neighborhood Compatibility*

The proposed project site is located within an already established single-family neighborhood. The proposed lot pattern of the new residential development is consistent with the existing development in the area and would result in the development of two-story single-family residences compatible with the surrounding uses. The proposal required a Planned Development Zoning in that the minimum lot size proposed of 4,748 square feet is smaller than the minimum allowed under a traditional R-1-8 Residence Zoning District.

#### *Site Design*

The proposed detached single-family residential project proposes market-rate houses on lots similar to the pattern in the existing neighborhood. This site is adjacent to the rear and side yards of existing single-family detached houses. For this reason, the project has been designed to include setbacks consistent with or greater than the existing setbacks in the already established neighborhood. The project conforms to the Residential Design Guidelines with respect to all other relevant development standards for this housing type in terms of internal setbacks, separations, open space and parking.

### *Architecture*

The project proposes neo-traditional residential-scale architecture that incorporates elements such as attached garages setback from pedestrian oriented front porches/entryways. The project is designed to incorporate front second story setbacks from first stories, which will create an attractive building facade. The proposed architecture is compatible with the established surrounding single-family neighborhood.

### Tentative Map

The Tentative Map includes approval of the overall configuration of lot lines, easements, and issues associated with property access for the site. The applicant is requesting a Tentative Map to allow the subdivision of one lot into six parcels on a 0.81 gross acre site. All proposed parcels will have direct access from a public right-of-way or street as is typically provided in a standard residential neighborhood and is consistent with the Planned Development Zoning for the subject project.

### **PUBLIC OUTREACH**

Notices of the public hearing were distributed to the owners and tenants of all properties located within 500 feet of the subject site as well as published in the San José Post Record. The Planning Commission agenda and City Council agenda are posted on the City of San José website with copies of the staff report and City Council memo.

Copies of the Initial Study and Mitigated Negative Declaration were made available at the Dr. Martin Luther King, Jr. Mail Library as well as posted on the City's website. Staff has been available to discuss the project with interested members of the public.

### **RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the subject Planned Development Rezoning, Planned Development Permit and Tentative Map Permit for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The proposed project will be compatible with the surrounding neighborhood.
3. The project furthers the objectives the City's infill development policies.
4. The project conforms to the Residential Design Guidelines.

### **Attachments:**

1. Draft Development Standards
2. Planned Development Permit PD04-047
3. Tentative Map PT04-059
4. Mitigated Negative Declaration, circulated on October 7, 2004



File No: PDC03-105

District: 09

Quad No: 128

Scale: 1"=210'  
Date: 12/17/2003



)

)

)

## **Draft Development Standards**

### **File No. PDC03-105**

Permitted Uses: Up to six (6) single-family detached residences, in addition to those uses consistent with the R-1-8 Single Family Detached Residence District.

#### **Minimum Building Setbacks:**

- Front Setback: 25 feet; 21 feet for lot 3
- Rear Setback: 18 feet for Lots 2, 3, 5 & 6; 45 feet for Lot 4; 60 feet for Lot 1
- Side Setback: 5 feet
- Corner Side Setback: 25 feet

Building Height: Two Stories, 26 feet

Minimum Lot Size: 4,748 square feet

Minimum Lot Width: 50 feet

## **General Notes**

### **Water Pollution Control Plant Notice**

Pursuant to part 2.75 of chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the city manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

### **Public Off-site Improvements**

All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of building permit(s), the applicant shall be required to obtain a Public Works Clearance. Said clearance will require the execution of a Construction Agreement that guarantees the completion of the public improvements.

### **Street Trees**

The Public right-of-way shall be planted with street trees as directed by the City Arborist.

### **Post-Construction Storm Water Treatment Controls**

The City's National Pollutant Discharge System ( NPDES ) Permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned Development Permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the director of planning.

### **Archaeology**

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie

adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

### **Noise Mitigation**

This development shall implement the interior construction mitigation measures identified in the Noise Report prepared for the project, entitled: "Bellagio Garden Residential Project Environmental Noise Study San Jose, California", dated March 29, 2002 and prepared by Illingworth & Rodkin, Inc., Petaluma, California.

### **Air Quality**

The following construction practices shall be implemented during all phases of construction for the proposed project.

1. Water all active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
4. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
5. Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
7. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.

### **Biological Resources**

11. All non-orchard trees that are to be removed shall be replaced at the following ratios:
  - Each tree less than 12" in diameter to be removed = one 15 gallon tree
  - Each tree 12" to 18" diameter to be removed = two 24" box trees
  - Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees
12. The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:
  - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening



purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.

- A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building, and Code Enforcement prior to issuance of a grading permit.

#### **Hydrology/Water Quality**

13. During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
14. During construction, earthmoving or other dust producing activities would be suspended during periods of high winds.
15. During construction, all exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
16. During construction, stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
17. During construction, all trucks hauling soil, sand and other loose materials would be covered and/or all trucks would be required to maintain at least two feet of freeboard.
18. All paved access roads, parking and staging areas and residential streets adjacent to the construction sites would be swept daily with water sweepers.

#### **Noise Mitigation**

19. Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
20. The contractor will be required to use "new technology" power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site would be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created faulty or poorly maintained engines or other components.
21. The developer will implement a Construction Management Plan approved by the City to minimize impacts on the surrounding sensitive land uses, particularly the residences, to the fullest extent possible. The Construction Management Plan would include the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
  - A) Early and frequent notification and communication with the neighborhood and other land uses of the construction activities, including the onset, expected consequences, and actual consequences of various construction activities, as well as a commitment to, whenever possible, reduce problems that occur.

—)

)

197

)

## PLANNED DEVELOPMENT PERMIT

AMENDMENT FILE NO	PD 04-047
LOCATION OF PROPERTY	Southwest corner of Kirk Road and Salisbury Drive
ZONING DISTRICT	A(PD) established by Ordinance Number: Pending
ZONING FILE NUMBER	PDC 03-105
GENERAL PLAN DESIGNATION	Medium Low Density Residential (8 DU/AC)
PROPOSED AMENDED USE	Development of six (6) individual single-family lots.
ENVIRONMENTAL STATUS	Mitigated Negative Declaration
OWNER	Rockwell Homes, Inc
ADDRESS	C/o Kamil Navai 1202 Meridian Avenue San Jose CA 95125

### FINDINGS

1. The Planned Development Permit, as issued, furthers the policies of the General Plan in that:
  - a. This project is consistent with the General Plan Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC).
2. The Planned Development Permit Amendment, as issued, conforms in all respects to the Planned Development zoning of the property in that:
  - a. This Planned Development Permit conforms to the approved General Development Plan.
3. The interrelationship between the orientation, location and mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious in that:
  - a. This Planned Development Permit for this site is consistent with adjacent or nearby industrial developments with regard to design, orientation and building scale.
  - b. The proposed development does not unreasonably interfere with the light and air available to adjacent sites.
  - c. The use of the site will not interfere with the use of adjacent properties because sufficient buffering between uses will be provided.

- d. The proposal conforms to the City's Residential Design Guidelines.
4. The environmental impacts of the project including, but not limited to, noise, vibration, dust, drainage, erosion, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties in that:
  - a. A Mitigated Negative Declaration was circulated on October 7, 2004 addressed the environmental impacts of this project. The major environmental issues addressed were noise, air quality and water quality related to construction activity. The Mitigated Negative Declaration incorporated appropriate mitigation measures to reduce potential environmental impacts to less than significant levels.
  - b. The proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.
5. After investigation and hearing held pursuant to Chapter 13.32 of the San José Municipal Code, the Director of City Planning finds that the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Building Permit.** Obtainment of a Building Permit is evidence of acceptance of all conditions specified in this document and the applicant's intent to fully comply with said conditions.
3. **Conformance with Plans.** Construction and development shall conform to approved Planned Development plans entitled, Kirk Road Project; 6 Single Family Detached Homes; 4265 Kirk Road, San Jose, CA," dated June 11, 2004, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
4. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.

5. **Acceptance.** The "Acceptance of Permit and Conditions" form shall be *signed, notarized, and returned* to the Department of Planning, Building and Code Enforcement within *60 days* from the date of issuance of permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.*
6. **Permit Expiration.** This Planned Development Permit shall automatically expire 30 months from and after the date of issuance hereof by said Director, if within such 30-month period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Planned Development Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
7. **Planned Development District Effectuated.** Once this Planned Development Permit is accepted, the use of territory not covered by the permit shall only be land uses consistent with the Planned Development Zoning District and only upon issuance of a Planned Development Permit for those uses.
8. **Development Standards:**
  - a. Permitted Uses: Up to six (6) single-family detached residences, in addition to those uses consistent with the R-1-8 Single Family Detached Residence District.
  - b. Minimum Building Setbacks:
    - 1) Front Setback: 25 feet; 21 feet for lot 3
    - 2) Rear Setback: 18 feet for Lots 2, 3, 5 & 6; 45 feet for Lot 4; 60 feet for Lot 1
    - 3) Side Setback: 5 feet
    - 4) Corner Side Setback: 25 feet
  - b. Building Height: Two Stories, 26 feet
  - c. Minimum Lot Size: 4,748 square feet
  - d. Minimum Lot Width: 50 feet
9. **Project Modifications.** All trellises, pools, spas, additions, and decks shall conform to the R-1-8 Residence District Standards and shall be allowed by right with no review or approval by the Director of Planning required. Other approvals may still be required. All other changes shall require Director of Planning approval.
10. **Fence Standards.** Fences shall be erected in accordance with the standards established on the Approved Plan Set. Changes to the approved fencing shall comply with Section 17.24.050 of the City of San Jose Municipal Code.
11. **Release and Recordation.** This Permit shall not be recorded with the Santa Clara County Recorder's Office nor released to the Building Division until the final effective date of the City Council adopted ordinance, which rezones the site.
12. **Revocation.** This Planned Development Permit is subject to revocation for violation of any of its provisions or conditions.

13. **Tract Sales Office/Model Homes.** This permit does not include the approval of a tract sales office/model homes complex. Such use requires an Administrative Permit approved by the Director of Planning.
14. **Storm Water Management.** The project shall incorporate Best Management Practices (BMPs) into the project to control the discharge of storm water pollutants including sediments associated with construction activities. Examples of BMPs are contained in the publication *Blueprint for a Clean Bay*. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, Room 308, 801 North First Street, San José, California 95110-1795. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standards Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities. For additional information about the Erosion Control Plan, the NPDES permit requirements or the documents mentioned above, please call the Department of Public Works at (408) 277-5161.
15. **Archaeology.** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
16. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
17. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official.
  - a. *American Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
  - b. *Construction Conformance.* A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the building division. Prior to final inspection approval by the Building Department, Developer shall obtain a written confirmation from the Planning Division, that the project, as constructed, conforms to all applicable requirements of the subject Permit, including plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.
  - c. *Construction Plans.* The permit-file number, PD04-047, shall be printed on all construction plans submitted to the Building Division.

- d. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
- e. *Site Clearing.* The applicant shall remove all existing buildings, structures, and signs from the subject property.
- f. *Recycling.* Scrap construction and demolition material should be recycled. Integrated Waste Management staff at 277-5533 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
- g. *Construction Hours.* Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
- h. *Street Cleaning and Dust Control.* During construction, the developer shall damp sweep the public streets and/or private streets each working day. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.
- i. *Construction Mitigation Plan.*
  - 1) All materials/stock piles shall only be located and limited to the project site. No materials/stock piles are to be located within the public right-of-way.
  - 2) At no time, during construction, shall workers' parking be located on streets within the Rosemary Garden Neighborhood.
  - 3) Use dust-proof chutes for loading construction debris onto trucks.
  - 4) Water to control dust generation during demolition of structures and break-up of pavement.
  - 5) Cover all trucks hauling demolition debris from the site.
  - 6) Ware or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
  - 7) Cover all trucks hauling soil, sand, or loose materials, or required trucks to maintain at least two feet of freeboard.
  - 8) Sweep daily all paved access road, parking areas, and staging areas at construction sites.
  - 9) Sweep streets daily if visible soil material is carried onto adjacent public streets.
  - 10) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed

stockpiles (dirt, sand, etc)

11) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

12) Replant vegetation in disturbed areas as quickly as possible.

18. **Public Works Clearance:** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-15667) to the satisfaction of the Director of Public Works:

a. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

b. *Geology:* A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.

c. *Storm:*

1) The grading/drainage plan shall indicate the overland release path in arrows. The release path must be paved.

2) On-site ponding must be less than one foot.

3) Finished floor elevations must be on foot higher than the overland release elevation.

d. *Undergrounding:*

1) The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to E. Gish Road prior to issuance of a Public Works clearance. One hundred percent of the base fee in place at the time of payment will be due. (Currently, the base fee is \$224 per linear foot of frontage.)

e. *Sanitary:*

1) Submit a conceptive sanitary sewer plan at the PD permit stage.

2) The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.

f. *Flood: Zone (A0, Depths 1 ft)*

1) An Elevation Certificate for each proposed structure, based on construction drawings, is required prior to the issuance of a building permit. Consequently, an Elevation Certificate for each built structure, based on finished construction, is required prior to issuance of an occupancy permit.

2) Elevate the lowest finished floor to 1 foot above the highest existing adjacent grade to the proposed structure.



g. *Transportation:*

- 1) This project is located within the North San José Deficiency Plan area. A sum of \$6,516.00 shall be paid to the Department of Public Works (Room 308) prior to Public Works clearance.
- 2) An in-house traffic distribution has been performed for this project based on 18 peak hour trips. We conclude that the subject project will be in conformance with the City of San José Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts.

h. *Electrical:*

- 1) Installation of electrolier(s) on the project frontages may be required. The minimum clearance from driveways is 10' in commercial areas and 5' in residential areas.
- 2) Replacement of HPS luminaires in electroliers along project frontage with LPS luminaires may be required.
- 3) Painting and renumbering of existing electroliers along project frontage may be required.
- 4) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.

i. *Landscape:*

- 1) Install street trees within the public right-of-way along the entire street frontage per City standards. Trees shall be installed within the park strip along North First Street and within tree wells along Gish Road.
- 2) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
- 3) Contact the City Arborist at (408) 277-2756 for the designated street tree.

j. *Street Improvements:*

- 1) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage on Gish Road.
- 2) Close unused driveway cut(s) and construct park strip, sidewalk, curb and gutter along North First Street frontage.
- 3) Proposed driveway widths and configuration shall conform to the City Standard Detail requirements for residential driveways.
- 4) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk

damaged during construction of the proposed project.

- 5) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
  - 6) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
  - k. *Minor Improvement Permit:* The applicant will be required to satisfy all Public Works conditions prior to the issuance of a Public Works Clearance. The clearance will require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes plans, insurance, bonds/deposit certificate, and engineering and inspection fees.
11. **Final Map.** No Final Map shall be approved by the City Council unless and until the appeal period for the development permit, City File No. PD04-047 has expired and all appeals have been exhausted. No Final Map shall be approved unless and until the structure shown for removal on the approved plans for PD04-047 have been removed from the site.
  12. **Parkland Dedication Ordinance.** This subdivision is subject to the requirements of the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code,) for the dedication of land or payment of fees in lieu of the dedication of land for park purposes, under the formula contained with that Chapter. Prior to approval of the Final Map for this subdivision, subdivider shall enter into a parkland agreement with the City to the satisfaction of the Director of Public Works in order to fulfill the requirements of the Parkland Dedication Ordinance.

**CITY OF SAN JOSÉ, CALIFORNIA  
DEPARTMENT OF CITY PLANNING  
TENTATIVE SUBDIVISION MAP**

**FILE NO.** PT 04-059

**LOCATION OF PROPERTY** Southwest corner of Kirk Road and Salisbury Drive

**TITLE OF MAP** Tentative Map for Rockwell Homes  
6 Lot Single Family Residential Subdivision

**DRAWN BY** Allied Engineering Company

**DATE OF MAP** June 11, 2004

**OWNER** Rockwell Homes, Inc

**ADDRESS** C/o Kamil Navai  
1202 Meridian Avenue  
San Jose CA 95125

**FINDINGS**

1. The City of San Jose City Council finds that the proposed subdivision shown on the Tentative Map, subject to the conditions listed below and the requirements for project design and improvements, is consistent with applicable General and Specific Plans of the City of San José.
2. The City of San Jose City Council has considered the proposed subdivision shown on the Tentative Map, with the imposed conditions, to determine whether to make any of the findings set forth in subsections (a) through (g) of Section 66474 of the Government Code of the State of California. Based on that review, the Director of Planning of the City of San José does not make any such findings for the subject subdivision.
3. The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that:
  - a. A Mitigated Negative Declaration was circulated on October 7, 2004 addressed the environmental impacts of this project. The major environmental issues addressed were noise, air quality and water quality related to construction activity. The Mitigated Negative Declaration incorporated appropriate mitigation measures to reduce potential environmental impacts to less than significant levels.
  - b. The proposed project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

**APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. **Improvements.** Pursuant to the Subdivision Agreement (hereinafter referred to as "Agreement"), the Subdivider shall, before approval and recording of the Final Map, improve or agree to improve all land within the subdivision and all land outside, but appurtenant to, the Subdivision shown on the Tentative Map for public or private streets, alleys, pedestrian ways and easements to the satisfaction of the Director of Public Works.
2. **Improvement Contract.** In the event subdivider has not completed the improvements required for his proposed subdivision at the time the Final Map is presented for approval, subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and provide the bonds and insurance mentioned therein.
3. **Public Use Easements.** Subdivider shall dedicate on the Final Map for public use easements for public utilities, streets, pedestrian ways, alleys, street lighting, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Tentative Map for the subdivision to be devoted to such purposes.
4. **Conveyance of Easements.** Subdivider shall convey or cause to be conveyed to the City of San José, easements in and upon all areas as shown on the Tentative Map outside the boundaries of, but appurtenant to, the subdivision. Should a separate instrument be required for the conveyance of the easement(s), it shall be recorded prior to the recordation of the Final Map. Such easements so conveyed shall be shown on the Final Map, together with reference to the Book and Page in the Official Recorder of Santa Clara County, where each instrument conveying such easements is recorded.
5. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
6. **Distribution Facilities.** Subdivider shall, at no cost to the City, cause all new or replacement electricity distribution facilities (up to 40KV), telephone, community cable, and other distribution facilities located on the subject property to be placed underground.
7. **Public Works Clearance:** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-15667) to the satisfaction of the Director of Public Works:

- a. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- b. *Geology:* A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
- c. *Storm:*
  - 1) The grading/drainage plan shall indicate the overland release path in arrows. The release path must be paved.
  - 2) On-site ponding must be less than one foot.
  - 3) Finished floor elevations must be on foot higher than the overland release elevation.
- d. *Undergrounding:*
  - 1) The In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to E. Gish Road prior to issuance of a Public Works clearance. One hundred percent of the base fee in place at the time of payment will be due. (Currently, the base fee is \$224 per linear foot of frontage.)
- e. *Sanitary:*
  - 1) Submit a conceptive sanitary sewer plan at the PD permit stage.
  - 2) The project is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.
- f. *Flood: Zone (A0, Depths 1 ft)*
  - 1) An Elevation Certificate for each proposed structure, based on construction drawings, is required prior to the issuance of a building permit. Consequently, an Elevation Certificate for each built structure, based on finished construction, is required prior to issuance of an occupancy permit.
  - 2) Elevate the lowest finished floor to 1 foot above the highest existing adjacent grade to the proposed structure.
- g. *Transportation:*
  - 1) This project is located within the North San José Deficiency Plan area. A sum of \$6,516.00 shall be paid to the Department of Public Works (Room 308) prior to Public Works clearance.
  - 2) An in-house traffic distribution has been performed for this project based on 18 peak hour trips. We conclude that the subject project will be in conformance with the City

of San José Transportation Level of Service Policy (Council Policy 5-3) and a determination for a negative declaration can be made with respect to traffic impacts.

h. *Electrical:*

- 1) Installation of electrolier(s) on the project frontages may be required. The minimum clearance from driveways is 10' in commercial areas and 5' in residential areas.
- 2) Replacement of HPS luminaires in electroliers along project frontage with LPS luminaires may be required.
- 3) Painting and renumbering of existing electroliers along project frontage may be required.
- 4) Locate and protect existing electrical conduit in driveway and/or sidewalk construction.

i. *Landscape:*

- 1) Install street trees within the public right-of-way along the entire street frontage per City standards. Trees shall be installed within the park strip along North First Street and within tree wells along Gish Road.
- 2) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
- 3) Contact the City Arborist at (408) 277-2756 for the designated street tree.

j. *Street Improvements:*

- 1) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage on Gish Road.
- 2) Close unused driveway cut(s) and construct park strip, sidewalk, curb and gutter along North First Street frontage.
- 3) Proposed driveway widths and configuration shall conform to the City Standard Detail requirements for residential driveways.
- 4) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
- 5) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
- 6) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.

- k. *Minor Improvement Permit*. The applicant will be required to satisfy all Public Works conditions prior to the issuance of a Public Works Clearance. The clearance will require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes plans, insurance, bonds/deposit certificate, and engineering and inspection fees.

**11. Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:

- a. *American Disabilities Act*. The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
- b. *Construction Conformance*. A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the building division. Prior to final inspection approval by the Building Department, Developer shall obtain a written confirmation from the Planning Division, that the project, as constructed, conforms to all applicable requirements of the subject Permit, including plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.
- c. *Construction Plans*. The permit-file number, PD04-047, shall be printed on all construction plans submitted to the Building Division.
- d. *Emergency Address Card*. The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
- e. *Site Clearing*. The applicant shall remove all existing buildings, structures, and signs from the subject property.
- f. *Recycling*. Scrap construction and demolition material should be recycled. Integrated Waste Management staff at 277-5533 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
- g. *Construction Hours*. Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
- h. *Street Cleaning and Dust Control*. During construction, the developer shall damp sweep the public streets and/or private streets each working day. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.

i. *Construction Mitigation Plan.*

- 1) All materials/stock piles shall only be located and limited to the project site. No materials/stock piles are to be located within the public right-of-way.
  - 2) At no time, during construction, shall workers' parking be located on streets within the Rosemary Garden Neighborhood.
  - 3) Use dust-proof chutes for loading construction debris onto trucks.
  - 4) Water to control dust generation during demolition of structures and break-up of pavement.
  - 5) Cover all trucks hauling demolition debris from the site.
  - 6) Ware or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
  - 7) Cover all trucks hauling soil, sand, or loose materials, or required trucks to maintain at least two feet of freeboard.
  - 8) Sweep daily all paved access road, parking areas, and staging areas at construction sites.
  - 9) Sweep streets daily if visible soil material is carried onto adjacent public streets.
  - 10) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc)
  - 11) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - 12) Replant vegetation in disturbed areas as quickly as possible.
12. **Archaeology.** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.



13. **Storm Water Discharge.** The applicant shall conform to the Non-Point Source Control requirement for storm water discharge associated with construction activity as required by the State Water Resource Control Board. Contact the Regional Water Quality Control Board at (415) 286-0968 for further information.
  14. **Street Trees.** Street trees as shown on approved plans shall be planted on the street frontage to the satisfaction of the Director of the Department of Streets and Parks. A permit for this is required from the Department of Streets and Parks, (408) 277-4373.
  15. **Conformance with Other Permits.** The subject Planned Development Tentative Map conforms to and complies in all respects with the Planned Development Zoning PDC03-105 and the Planned Development Permit PD04-047 on which such Planned Development Tentative Map is based. Approval of said Planned Development Tentative Map shall automatically expire with respect to any portion of the lands covered by such Planned Development Map on which a Final Map has not yet been recorded if, prior to recordation of a Final Map thereon, the Planned Development Permit for such lands automatically expires or for any reason ceases to be operative.
  16. **Parcel Map.** No Parcel Map shall be recorded unless and until the appeal period for the development permit, City File No. PD04-047, has expired and all appeals have been exhausted.
  17. **Final Map.** No Final Map shall be approved by City Council unless and until the appeal period for the development permit, City File No. PD04-047, has expired and all appeals have been exhausted.
  18. **Multiple Final Maps.** Multiple Final Maps may be filed for this subdivision if each and all of the following conditions are met with each Final Map:
    - a. All fees associated with development and a part of this approval shall be apportioned and paid for each portion of this subdivision for which a Final Map is being filed, including but not limited to Parkland Dedication, undergrounding of utilities, drainage, area and sewer treatment plan.
    - b. All public streets on which each Final Map has frontage are improved or bonded to be improved to the satisfaction of the Director of Public Works.
    - c. All grading, drainage and easements for drainage, adequate to protect each lot for which a Final Map is requested, and surrounding parcels which could be impacted by such design or lack of design, shall be guaranteed to the satisfaction of the Director of Public Works.
    - d. Any and all off-site improvements necessary for mitigation of impacts brought about by this project shall be apportioned to the degree possible to guarantee adequate mitigation for each area for which a Final Map is being filed, to the satisfaction of the Director of Public Works.
- Expiration of Permit.** This Tentative Map shall automatically expire 30 months from and after the date of issuance hereof by the Director of Planning of the City of San José. The date of issuance is the date this Permit is approved by the Director of Planning.

)

)

)

**DRAFT  
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**PROJECT FILE NUMBER:** PDC 03-105

**PROJECT DESCRIPTION:** Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development Zoning District to allow 6 single-family detached residential units on a 0.81 gross acre site

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Southwest corner of Kirk Road and Salisbury Drive; APN 447-34-077 & -082

**COUNCIL DISTRICT:** 9

**NAME OF APPLICANT:** Pastor Kamil Navai

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:**  
1202 Meridian Avenue, San Jose CA 95125

**FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

**MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

**AIR QUALITY**

The following construction practices shall be implemented during all phases of construction for the proposed project.

1. Water all active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

4. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
5. Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
7. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.

### BIOLOGICAL RESOURCES

11. All non-orchard trees that are to be removed shall be replaced at the following ratios:
  - Each tree less than 12" in diameter to be removed = one 15 gallon tree
  - Each tree 12" to 18" diameter to be removed = two 24" box trees
  - Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees
12. The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:
  - An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
  - A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building, and Code Enforcement prior to issuance of a grading permit.

### HYDROLOGY/WATER QUALITY

13. During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
14. During construction, earthmoving or other dust producing activities would be suspended during periods of high winds.
15. During construction, all exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
16. During construction, stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
17. During construction, all trucks hauling soil, sand and other loose materials would be covered and/or all trucks would be required to maintain at least two feet of freeboard.
18. All paved access roads, parking and staging areas and residential streets adjacent to the construction sites would be swept daily with water sweepers.

### NOISE

19. Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions.

Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.

20. The contractor will be required to use "new technology" power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site would be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created faulty or poorly maintained engines or other components.
21. The developer will implement a Construction Management Plan approved by the City to minimize impacts on the surrounding sensitive land uses, particularly the residences, to the fullest extent possible. The Construction Management Plan would include the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
  - A) Early and frequent notification and communication with the neighborhood and other land uses of the construction activities, including the onset, expected consequences, and actual consequences of various construction activities, as well as a commitment to, whenever possible, reduce problems that occur.

## **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **October 27, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: October 8, 2004

Aroni Davidson  
Deputy

Adopted on: \_\_\_\_\_

\_\_\_\_\_  
Deputy

## Mitigated Negative Declaration Distribution Checklist

### STATE SENT

☐ STATE CLEARINGHOUSE (15 COPIES) ☐

**IMPORTANT NOTE:** If a State Department will need to issue a discretionary permit for this project, your ND will need to be sent to the Clearinghouse. Other NDs may also need to be sent to the Clearinghouse, please check with the Environmental Team.

### PLANNING DEPARTMENT

☐ PLANNING DIRECTOR ..... ☐  
☐ DEPUTY DIRECTOR Joe ..... ☐  
☐ PROJECT PRINCIPAL PLANNER ..... ☐  
☒ ENVIRONMENTAL SENIOR PLANNER ..... ☐  
☒ ENVIRONMENTAL COORDINATOR JODIE CLARK ..... ☐  
☒ PROJECT MANAGER MIKE MENA ..... ☐  
☒ ENVIRONMENTAL LIBRARY ..... ☐  
☒ PUBLIC INFORMATION COUNTER ..... ☐  
☐ PUBLIC DISTRIBUTION (10± COPIES) ..... ☐

**IMPORTANT NOTE:** If the Environmental Coordinator and the Project Manager are the same, please unmark one of the boxes.

### CITY OF SAN JOSÉ

☐ MAYOR ..... ☐  
☐ CITY COUNCIL (10 COPIES) ..... ☐  
☐ PLANNING COMMISSION (7 COPIES) ..... ☐  
☐ CITY ATTORNEY ..... ☐

### LIBRARY

☒ SAN JOSÉ MAIN LIBRARY ..... ☐  
☒ BRANCH/ES: Cambrian ..... ☐

### APPLICANT / OWNER / DEVELOPER

☒ APPLICANT ..... ☐  
☒ OWNER ..... ☐  
☒ DEVELOPER ..... ☐  
☐ ..... ☐

**IMPORTANT NOTE:** The Applicant, Owner and Developer's addresses must be in AMANDA in order for the Envir team to send them an ND.

### OTHER

☒ ELECTRONIC COPY POSTED ON WEB SITE ..... ☐  
☒ ADAMS, BROADWELL, JOSEPH & CARDOZO ..... ☐  
☐ ..... ☐  
☐ ..... ☐

Project Name: Kirk Court Rezoning

APN No.: 447-34-077

Radius for Mailing: 1000 ft

File No.: PDC03-105

SCH No. \_\_\_\_\_

Distribution Date: \_\_\_\_\_

Mailed By: SA Date Mailed: \_\_\_\_\_

Environmental Coordinator: \_\_\_\_\_

Total Number of Copies: \_\_\_\_\_

**IMPORTANT NOTE:** A copy of the ND and Intent to Adopt are mailed to this distribution. In addition, a copy of the Initial Study is sent to the Main Library, closest Library, and posted on the website.

# COPIES TO SEND

SENT

AIR QUALITY

- ☐ BAY AREA AIR QUALITY MGMT DIST .....
- ☐ CALIF AIR RESOURCES BOARD .....

BIOLOGICAL RESOURCES

- ☐ CALIF DEPT. OF FISH AND GAME .....
- ☐ CALIF DEPT. OF CONSERVATION .....
- ☐ US FISH AND WILDLIFE SERVICE .....
- ☐ SIERRA CLUB .....
- ☐ AUDUBON SOCIETY .....
- ☐ NATIVE PLANT SOCIETY .....
- ☐ GREENBELT ALLIANCE .....
- ☒ GUADALUPE-COYOTE RES CONSV DIST .....
- ☐ OPEN SPACE AUTHORITY .....

TREES

- ☐ CITY ARBORIST (DOT) .....

GEOLOGIC HAZARDS

- ☐ CITY GEOLOGIST (PUBLIC WORKS) .....

WATER RESOURCES

- ☐ WATERSHED PROTECTION (ESD) .....
- ☒ SANTA CLARA VALLEY WATER DIST .....
- ☐ S.F. BAY CONSERV & DEV COMM (FOR ALVISO) .....
- ☐ CALIF DEPT. OF WATER RESOURCES .....
- ☒ REGIONAL WATER QUALITY CTRL BD, #2 .....
- ☐ US ARMY CORPS OF ENGINEERS .....

HAZARDOUS MATERIALS AND WASTE PROCESSING

- ☐ ENVIRONMENTAL SERVICES DEPT .....
- ☐ ENVIRONMENTAL ENFORCEMENT (CODE ENF. - LEA) .....
- ☐ HAZARDOUS MATERIALS (FIRE DEPT) .....
- ☐ CALIF TOXIC SUBSTANCES CONTROL .....
- ☐ CALIF DEPT OF HEALTH SERVICES .....
- ☐ CALIF INTEGRATED WASTE MGMT BOARD .....

CULTURAL AND HISTORIC RESOURCES

- ☐ HISTORIC PRESERVATION OFFICER (PLANNING) .....
- ☐ HISTORIC LANDMARKS COMMISSION .....
- ☐ COUNTY HISTORICAL HERITAGE COMMISSION .....
- ☐ PRESERVATION ACTION COUNCIL OF SAN JOSE .....
- ☐ CALIF OFFICE OF HISTORIC PRESERVATION .....
- ☐ NORTHWEST INFO CTR, SONOMA ST UNIV .....
- ☐ NATIVE AMERICAN HERITAGE COMM (STATE) .....

TRANSPORTATION

- ☒ PROJECT ENG. (PW - DEV SVCS) GERRY DE GUZMAN .....
- ☐ TRANSPORTATION PLANNING (DOT) .....
- ☒ SC VALLEY TRANSPORTATION AUTHORITY .....
- ☐ COUNTY ROADS AND AIRPORTS .....
- ☐ CALTRANS, PLANNING (HEADQUARTERS) .....
- ☐ CALTRANS, DISTRICT 4 .....
- ☐ METROPOLITAN TRANS COMM (STATE) .....
- ☐ FEDERAL HIGHWAY ADMINISTRATION .....

AIRPORT SAFETY

- ☐ AIRPORT PLANNING & DEV. .....
- ☐ AIRPORT LAND USE COMM (COUNTY PLANNING) .....
- ☐ CALTRANS, DIVISION OF AERONAUTICS .....
- ☐ FEDERAL AVIATION ADMINISTRATION .....
- ☐ COALITN RESP. AIRPORT MGMT & POLICY .....
- ☐ CALIFORNIA PILOTS ASSOCIATION .....

# COPIES TO SEND

SENT

URBAN SERVICES AND PUBLIC UTILITIES

- ☐ PROJECT ENGINEER (PW - DEV SVCS) - GERRY DEGUZMAN .....

- ☐ FIRE SERVICES .....
- ☐ POLICE DEPARTMENT R&D .....
- ☐ WATER POLLUTION CONTROL (ESD) .....
- ☐ CALIF PUBLIC UTILITIES COMMISSION .....
- ☐ CALIF ENERGY COMMISSION .....
- ☐ SANITARY DISTRICT NO. ....
- ☐ PACIFIC GAS AND ELECTRIC .....
- ☐ S J MUNICIPAL WATER SYSTEM (ESD) .....
- ☐ SAN JOSÉ WATER COMPANY .....
- ☐ GREAT OAKS WATER COMPANY .....
- ☐ PACIFIC BELL .....
- ☐ UNION PACIFIC RAILROAD .....

REDEVELOPMENT AREA

- ☐ RDA STAFF .....

SJ ARENA

- ☐ ARENA AUTHORITY .....

PARKS AND RECREATION

- ☒ PARKS, REC, NEIGH SVCS DAVE MITCHELL .....
- ☐ COUNTY PARKS AND RECREATION .....

AFFORDABLE HOUSING, LOW INCOME

- ☐ HOUSING DEPARTMENT .....
- ☐ HUD, FHA-SAN FRANCISCO OFFICE .....

AREAWIDE AND REGIONAL IMPACTS

- ☐ SC COUNTY PLANNING DEPARTMENT .....
- ☐ ASSOC OF BAY AREA GOVERNMENTS .....
- ☐ LAFCO (10 COPIES) .....
- ☐ ENVIRO PROTECTION AGENCY, REG. 9 .....

SANTA CLARA Co. CITIES

- |  |  |
|--|--|
| <input type="checkbox"/> CAMPBELL .....  | <input type="checkbox"/> MILPITAS .....    |
| <input type="checkbox"/> CUPERTINO ..... | <input type="checkbox"/> MORGAN HILL ..... |
| <input type="checkbox"/> FREMONT .....   | <input type="checkbox"/> SANTA CLARA ..... |
| <input type="checkbox"/> GILROY .....    | <input type="checkbox"/> SARATOGA .....    |
| <input type="checkbox"/> LOS GATOS ..... | <input type="checkbox"/> SUNNYVALE .....   |

SCHOOL DISTRICTS

- ☐ SAN JOSÉ UNIFIED .....
- ☐ EAST SIDE UNION HIGH .....
- ☐ ALUM ROCK UNION .....
- ☐ BERRYESSA UNION .....
- ☐ EVERGREEN .....
- ☐ FRANKLIN-MCKINLEY .....
- ☒ CAMPBELL UNION HIGH .....
- ☐ CAMBRIAN .....
- ☐ MORELAND .....
- ☐ CUPERTINO UNION ELEMENTARY .....
- ☐ LOS GATOS JOINT UNION HIGH .....
- ☐ LOS GATOS UNION ELEMENTARY .....
- ☐ SANTA CLARA UNIFIED .....
- ☐ MORGAN HILL UNIFIED .....

COLLEGES

- ☐ FOOTHILL COMMUNITY COLLEGE .....
- ☐ SAN JOSÉ CITY COLLEGE .....
- ☐ WEST VALLEY COMMUNITY COLLEGE .....



**INITIAL STUDY**

**PROJECT FILE NO.:** PDC 03-105

**PROJECT DESCRIPTION:** Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development Zoning District to allow 6 single-family detached residential units on a 0.81 gross acre site

**PROJECT LOCATION:** Southwest corner of Kirk Road and Salisbury Drive

**GENERAL PLAN DESIGNATION:** Medium Low Density Residential (8 DU/AC)

**ZONING:** Planned Development Zoning District (PDC 03-105)

**SURROUNDING LAND USES:**

North: Single-family Residential  
East: Church/Religious Assembly

South: Single-family Residential  
West: Single-family Residential

**PROJECT APPLICANT'S NAME AND ADDRESS:**

Kamil Navai/Rockwell Homes Inc.  
1202 Meridian Avenue, San Jose CA 95125

**DETERMINATION**

**On the basis of this initial study:**

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a <b>NEGATIVE DECLARATION</b> will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A <b>MITIGATED NEGATIVE DECLARATION</b> will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT(EIR)</b> is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or <b>NEGATIVE DECLARATION</b> pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or <b>NEGATIVE DECLARATION</b> , including revisions or mitigation measures that are included in the project, and further analysis is not required.

Date

Signature

Name of Preparer: Mike Mena, City of San Jose  
Phone No.: (408) 277-4576

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
---------------	---------------------------------------	---	-------------------------------------	------------------	----------------------------

**I. AESTHETICS - Would the project:**

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**FINDINGS:** The proposed project would allow for the construction of six (6) single-family detached residential uses on lots ranging from 4,748 – 6995 square feet. The project as proposed is consistent with the surrounding neighborhood in that the proposed architecture is consistent with the Residential Design Guidelines and character of the surrounding neighborhood. The project would allow for six (6) two story single family homes of which exterior materials consist of tiled roof material with an exterior wall stucco finish. The proposed building materials would not substantially increase new light or glare that would adversely affect day or nighttime views. The proposed project would not effect scenic vistas nor impact any known historic or cultural resources.

**MITIGATION MEASURES:** No mitigation is required.

**II. AGRICULTURE RESOURCES - Would the project:**

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

**FINDINGS:** The project site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use. The subject site is currently built out with an existing Church/Assembly use and a surface parking lot. Therefore, the proposed project will not result in a significant impact on the City's or Region's agricultural resources.

**MITIGATION MEASURES:** No mitigation is required.

**III. AIR QUALITY - Would the project:**

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,14

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

**FINDINGS:** The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. As this project will generate approximately 57 vehicle trips per day, no air quality study was prepared for this project.

Temporary Air Quality impacts may result from demolition of the existing structure(s) and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

#### MITIGATION MEASURES:

The following construction practices shall be implemented during all phases of construction for the proposed project.

1. Water all active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
4. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
5. Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
7. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.

#### BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**FINDINGS:** The subject site is currently fully developed with an existing church and surface parking lot. No special status or endangered species are known to inhabit the subject site. The site is not located in or subject to a Habitat Conservation Plan or Natural Community Conservation Plan.

The City of San José has established regulations for removal of landscape trees. The proposed project will obtain a permit for the removal of ordinance-sized trees and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance.

The project site currently contains 23 trees, of which 12 are proposed to be removed as a result of the project. Only one of the 12 trees proposed to be removed is ordinance size.

#### MITIGATION MEASURES:

All non-orchard trees that are to be removed shall be replaced at the following ratios:

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees

The species and exact number of trees to be planted on the site will be determined in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement. In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented at the permit stage:

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of the Department of Planning, Building, and Code Enforcement.
- A donation of \$300 per mitigation tree to San Jose Beautiful or Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting will be provided to the Director of Planning, Building, and Code Enforcement prior to issuance of a grading permit.

#### IV. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8, 25
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8, 25
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8, 25

**FINDINGS:** A cultural resource evaluation has been prepared for the property located at 4265 Kirk Road, dated February 28, 1989, for the development of the existing Iranian Christian Church. The subject report indicated that there are no recorded archaeological sites within or adjacent to the subject area. No evidence of cultural resources was

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
---------------	---	---	---	----------------------	--------------------------------

noted during a surface reconnaissance and therefore, it was concluded that development of the site would not directly or indirectly impact any known cultural resources.

As required by County ordinance, this project has incorporated the following guidelines. - Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

The proposed project would include the demolition of the existing church building. The subject church was constructed in 1959. The structure proposed for demolition is not listed on the National Register or the California Register, and does not appear to be eligible for listing in either of these registers. Additionally, the structure is not listed on the City of San Jose's Historic Resource Inventory. Therefore, it was concluded that the proposed demolition of this building would have no impact on cultural resources.

MITIGATION MEASURES: No mitigation is required.

#### V. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24

FINDINGS: The project site is located within the seismically active San Francisco region, which requires that the building be designed and built in conformance with the requirements of the 1997 Uniform Building Code for Seismic Zone 4. As the project includes these required measures, the potential for seismic impacts will be less than significant.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
---------------	---------------------------------------	---	-------------------------------------	------------------	----------------------------

MITIGATION MEASURES: No mitigation is required.

**VI. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 26
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 26
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 26
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,12, 26
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** The project site was used for agricultural (orchard) uses prior to the existing church use. The proposed project and existing uses do not and will not involve the use of or the storage of hazardous materials. A Phase I Site Assessment was conducted for the project site, at which time the investigation determined that no major environmental concerns exist at the site. The property is not on any regulatory lists for contaminated sites. The project site is not located within the vicinity of a public or private airstrip nor is the project site located in an area subject to wildland fires.

Given the age of the existing church building, there may be potential for lead based paint and/or asbestos. Demolition of the existing structures on site will be done in conformance with Federal, State and Local laws and regulations, which will avoid significant exposure of construction workers and/or the public to potential of asbestos and lead-based paint.

MITIGATION MEASURES: No mitigation is required.

**VII. HYDROLOGY AND WATER QUALITY - Would the project:**

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** The proposed project is approximately 0.8 acres in size. The site is currently covered by approximately 22,000 sq. ft. of impervious surfaces consisting of building footprints, parking lots, driveways, and paved walkways. The proposed project will reduce the amount of impervious surfaces by approximately 9,200 sq. ft. resulting in a total approximately 12,800 sq. ft. of total impervious surface thereby reducing the amount by approximately 42% from the existing condition of the site, resulting in a reduction of runoff than the existing condition.

The proposed project is separated from Ross Creek by a public right-of-way (Kirk Court). After consultation with the Santa Clara Valley Water District it was determined that the proposed project would not result in significant impacts on the creek nor require improvements along the creek frontage/bank in that the project reduces the existing runoff from the site and otherwise has no direct impacts on the creek.

The project shall conform with the City of San Jose National Pollutant Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs), as specified in the *Blueprint for a Clean Bay*, to control the discharge of storm water pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works, Room 308, 801 North First Street, San Jose, California 95110-1795. The Erosion Control Plan may include BMPs as specified in ABAG's *Manual of Standard Erosion & Sediment Control Measures* for reducing impacts on the City's storm drainage system from construction activities.

#### MITIGATION MEASURES:

- During construction, burlap bags filled with drain rock will be installed around storm drains to route sediment and other debris away from the drains.
- During construction, earthmoving or other dust producing activities would be suspended during periods of high winds.
- During construction, all exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- During construction, stockpiles of soil or other materials that can be blown by the wind would be watered or covered.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
---------------	---	---	---	----------------------	--------------------------------

- During construction, all trucks hauling soil, sand and other loose materials would be covered and/or all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking and staging areas and residential streets adjacent to the construction sites would be swept daily with water sweepers.

#### VIII. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**FINDINGS:** The proposed project site is surrounded by an existing single-family neighborhood. The proposed project will not physically divide an established community. The proposed project complies with setbacks required by the City of San José Residential Design Guidelines in order to avoid possible impacts to surrounding land uses.

**MITIGATION MEASURES:** No mitigation is required.

#### IX. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

**FINDINGS:** The project site is within a developed urban area. The project would not result in a significant impact from the loss of availability of a known mineral resource.

**MITIGATION MEASURES:** No mitigation is required.

#### X. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,13,18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
---------------	---------------------------------------	---	-------------------------------------	------------------	----------------------------

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
--	--------------------------	--------------------------	--------------------------	-------------------------------------	---

**FINDINGS:** The project site is surrounded by an established single-family residential neighborhood. The proposed project to ultimately subdivide and develop the site to allow for six (6) detached single-family lots will not substantially increase the ambient noise levels in that single family residential uses will generate less vehicle trips than the existing church use. Additionally the project site is located adjacent to a minor residential street, which does not generate substantial noise compared to major arterial/collector streets and/or sites located near freeways. Standard construction techniques and building materials will be sufficient to achieve standard interior and exterior noise environments consistent with State and City of San Jose standards.

The project site is not located within an airport land use plan area nor is the site located in the vicinity of a private airstrip.

However, the demolition of the existing church building and construction activities associated with the proposed future development would result in temporary construction related noise impacts. The below mitigation measures will help to reduce the temporary noise impacts related to the construction activity related to the proposed project.

#### MITIGATION MEASURES:

1. Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday. The developer shall be responsible for educating all contractors and subcontractors of said construction restrictions. Rules and regulation pertaining to all construction activities and limitations identified in this permit, along with the name and telephone number of a developer appointed disturbance coordinator, shall be posted in a prominent location at the entrance to the job site.
2. The contractor will be required to use "new technology" power construction equipment with state of the art noise shielding and muffling devices. All internal combustion engines used on the project site would be equipped with adequate mufflers and would be in good mechanical condition to minimize noise created faulty or poorly maintained engines or other components.
3. The developer will implement a Construction Management Plan approved by the City to minimize impacts on the surrounding sensitive land uses, particularly the residences, to the fullest extent possible. The Construction Management Plan would include the fullest extent possible. The Construction Management Plan would include the following measures to minimize impacts of construction upon adjacent sensitive land uses:
  - A) Early and frequent notification and communication with the neighborhood and other land uses of the construction activities, including the onset, expected consequences, and actual consequences of various construction activities, as well as a commitment to, whenever possible, reduce problems that occur.

#### XI. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

**FINDINGS:** No residents currently live on the project site and therefore the project will not displace substantial numbers of homes or residents. The surrounding properties are built out with single-family detached homes consistent with the proposed development.

**MITIGATION MEASURES:** No mitigation required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
---------------	---------------------------------------	---	-------------------------------------	------------------	----------------------------

**XII. PUBLIC SERVICES - Would the project:**

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

**FINDINGS:** The project site is located in an urbanized area of San Jose, and well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by 2 fire stations within one mile of the site. No additional Fire or Police personnel or equipment are necessary to serve the proposed project. The project to subdivide and develop six detached single family lots will not trigger the need for new or physically alter governmental facilities.

**MITIGATION MEASURES:** No mitigation is required.

**XIII. RECREATION**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

**FINDINGS:**

The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

The proposed project would increase the number of residents on the site. Although the project would add to the residential population using nearby recreational facilities, the project is not expected to increase the use of existing parks such that substantial deterioration would occur or be accelerated. The project developer will be required to pay PIO fees to offset its impacts on recreational facilities in the area.

**MITIGATION MEASURES:** No mitigation is required.

**XIV. TRANSPORTATION / TRAFFIC - Would the project:**

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19
--	--------------------------	--------------------------	--------------------------	-------------------------------------	--------

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18

**FINDINGS:** The proposed project would allow for the construction of up to six detached residential units. As an accepted standard, single-family subdivisions would generate approximately 9.5 trips per dwelling unit in one 24-hour period. Therefore, the project would generate a total of 57 total daily trips. The number of expected daily trips from the proposed development would not result in a significant impact in that the existing street/transit network can support the additional trips and maintain an acceptable level of service. The new/proposed residential uses will be subject to meeting the City's minimum off-street parking requirement and will not displace existing bus stations and/or bike lanes in the area.

**MITIGATION MEASURES:** No mitigation is required.

**XV. UTILITIES AND SERVICE SYSTEMS - Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21

**FINDINGS:** The existing utilities located within the area are adequate to serve the proposed development.

**MITIGATION MEASURES:** No mitigation is required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
---------------	---	---	---	----------------------	--------------------------------

**XVI. MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

**FINDINGS:** As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to air quality, hydrology/water quality and noise. With the above noted mitigation, however, the impacts from the proposed project would be reduced to a less than significant level.

**MITIGATION MEASURES:** See above mitigation measures.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
---------------	---	---	---	----------------------	--------------------------------

## CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC03-105
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. "Cultural Resource Evaluation of the Iranian Christian Church Property at 4265 Kirk Road" by Archaeological Resource Management dated, February 1989.
26. Phase I Environmental Site Assessment of Iranian Christian Church by American Soil Testing Inc. dated, February 2004.

)

)

)

# Memorandum

**TO:** Dipa Chundur  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: FINAL RESPONSE TO  
DEVELOPMENT APPLICATION**

**DATE:** 1/05/03

---

**PLANNING NO.:** PDC03-105  
**DESCRIPTION:** Conforming Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development Zoning District to allow 6 single-family detached residential units on a 0.81 gross acre site  
**LOCATION:** Southwest corner of Kirk Road and Salisbury Drive  
**P.W. NUMBER:** 3-11201

Public Works received the subject project on 12/18/03 and submits the following comments and requirements.

## **Project Conditions:**

**Public Works Clearance for Building Permit(s):** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

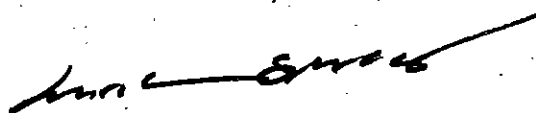
**Public Works Approval of Parcel Map or Tract Map:** Prior to the approval of the tract or parcel map by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - b) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG

Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

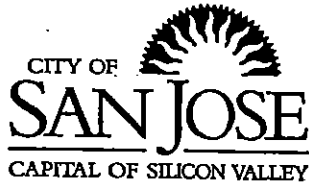
3. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
4. **Street Improvements:**
  - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b) Remove and replace broken or uplifted curb, gutter, sidewalk, and pavement sections along project frontage.
  - c) Remove existing attached sidewalk along Kirk Road frontage and replace with a City Standard detached sidewalk to conform to the existing sidewalk adjacent to the project frontages.
  - d) Close unused driveway cut(s).
  - e) Install handicap ramp at the opposite return across Salisbury Drive.
  - f) Repair and overlay of asphalt pavement along the project frontages will be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
5. **Electrical:** Installation and/or relocation of electrolier(s) along project frontages may be required.
6. **Landscape:**
  - a) Install street trees within the public right-of-way along the entire street frontage per City standards.
  - b) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - c) Contact the City Arborist at (408) 277-2756 for the designated street tree.

Please contact the Project Engineer, Gerry de Guzman, at (408) 277-5161 if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division





RECEIVED  
JUN 28 2004  
CITY OF SAN JOSE  
PLANNING DEPARTMENT

## Memorandum

**TO:** Michael Mena  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT:** FINAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 06/28/04

---

**PLANNING NO.:** PD04-047 & PT04-059  
**DESCRIPTION:** Planned Development Permit to demolish an existing church and construct 6 single-family detached residential units on a 0.81 gross acre site  
**LOCATION:** southwest corner of Kirk Road and Salisbury Drive  
**P.W. NUMBER:** 3-11201

Public Works received the subject project on 06/18/04 and submits the following comments and requirements.

### Project Conditions:

**Public Works Clearance for Building Permit(s):** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

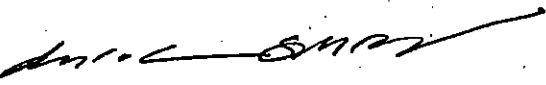
**Public Works Approval of Parcel Map or Tract Map:** Prior to the approval of the tract or parcel map by the Director of Public Works, the applicant will be required to have satisfied all of the following Public Works conditions.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - b) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC")

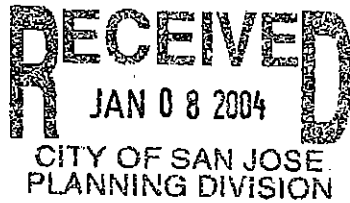
report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

3. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
4. **Street Improvements:**
  - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b) Remove and replace broken or uplifted curb, gutter, sidewalk, and pavement sections along project frontage.
  - c) Remove existing attached sidewalk along Kirk Road frontage and replace with a City Standard detached sidewalk to conform to the existing sidewalk adjacent to the project frontages.
  - d) Close unused driveway cut(s).
  - e) Install handicap ramp at the opposite return across Salisbury Drive.
  - f) Repair and overlay of asphalt pavement along the project frontages will be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
5. **Electrical:** Installation and/or relocation of electrolier(s) along project frontages may be required.
6. **Landscape:**
  - a) Install street trees within the public right-of-way along the entire street frontage per City standards.
  - b) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - c) Contact the City Arborist at (408) 277-2756 for the designated street tree.

Please contact the Project Engineer, Gerry de Guzman, at (408) 277-5161 if you have any questions.

  
Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division

ES:GD:sc  
6000\_18011260029.DOC



## Memorandum

**TO:** Dipa Chundur  
Planning and Building

**FROM:** Nadia Naum-Stoian,  
Fire Prevention Engineer  
San Jose Fire Department

**SUBJECT:** INITIAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 01/08/04

Approved

Date

**PLANNING NO.:** PDC03-105  
**DESCRIPTION:** Conforming Planned Development Rezoning from A(PD) Planned Development District to A(PD) Planned Development Zoning District to allow 6 single-family detached residential units on a 0.81 gross acre site  
**LOCATION:** Southwest corner of Kirk Road and Salisbury Drive  
**ADDRESS:** Southwest corner of Kirk Road and Salisbury Drive  
**FOLDER #:** 03 130793 ZN

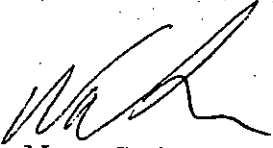
The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

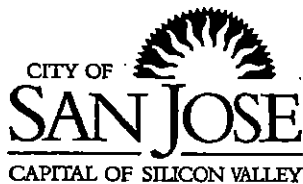
- These comments are based on the following information:
  - Largest building: 2,522\_sq. ft.
  - Construction Type: VN
  - Occupancy Group: R-3
  - Number of stories: 2
- Site fire flow requirement: 2,000 G.P.M.
- Average hydrant(s) spacing: 450 feet - Subject to Fire Department approval
- Comply with comments from the Building/Fire Departments at the plan review stage.
- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.

• **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION:**

1. The needed fire flow noted above shall be provided from a minimum of 2 hydrants and shall be spaced apart on average 450 feet from the proposed project.
  2. Approved access road(s) and hydrant(s) shall be provided once wood framing is available at site or provide an alternate means of water suppression subject to the approval of the Fire Department. Obtain permit and pay applicable fees prior to the installation. Contact the San Jose Fire Department's Fire Protection Systems Section at (408) 277-8756.
  3. All Fire Department access roads, water mains, and fire hydrants shall be installed and operational during construction in accordance with Article 87 of the Fire Code and all other applicable standards.
- Public (off-site) and private (on-site) fire hydrants shall be provided. All hydrants must meet the specifications for the City of San Jose's Fire Department. For hydrant locations please contact the San Jose Fire Department's Fire Protection Engineering Division at (408) 277-5357.
  - All existing and new fire hydrants shall be at least 10 feet from all driveways.
  - All structures shall be located wholly within 450 feet (road distance) of an accessible standard street hydrant.
  - All dead-end streets or roads shall have a hydrant within 175 feet from the most remote end of the rear lot as per the Uniform Fire Code.
  - Street numbers shall be visible day and night from the nearest street, either by means of illumination or by the use of reflective materials.
  - We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.

  
BY: Nadia Naum-Stoian, FPE  
Bureau of Fire Prevention  
San Jose Fire Department



# Memorandum

**TO:** Michael Mena  
Planning and Building

**FROM:** Nadia Naum-Stoian,  
Fire Prevention Engineer  
San Jose Fire Department

**SUBJECT:** INITIAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 07/01/04

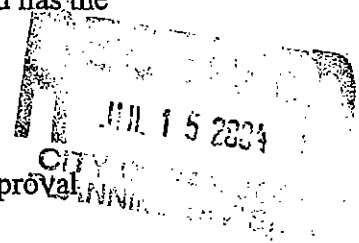
Approved

Date

**PLANNING NO.:** PD04-047  
**DESCRIPTION:** Planned Development Permit to demolish an existing church and construct 6 single-family detached residential units on a 0.81 gross acre site  
**LOCATION:** southwest corner of Kirk Road and Salisbury Drive  
**ADDRESS:** southwest corner of Kirk Road and Salisbury Drive  
**FOLDER #:** 04 116310 DV

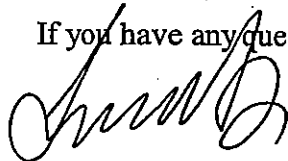
The San Jose Fire Department has reviewed the related plans as submitted and has the following comments and requirements.

- Site fire flow requirement: 2000 G.P.M.
- Average hydrant(s) spacing: 450 feet - Subject to Fire Department approval
- Comply with comments from the Building/Fire Departments at the plan review stage.
- A permit must be obtained from the Building and Fire Departments. Submit three (3) sets of construction plans to the Building Department, one (1) of those sets of plans will be routed to the San Jose Fire Department for review and comments.
- Fire Department comments to Planning Department File No. PT04-059 apply to this project.
- **THE FOLLOWING CORRECTIONS SHALL APPLY TO THE SUBJECT APPLICATION:**
  1. The needed fire flow noted above shall be provided from a minimum of 2 hydrants and shall be spaced apart on average 450 feet from the proposed project. Fire flow may be reduced upon construction of a four-hour wall, without openings, as per the adopted fire code. Construction of the area separation wall(s) is subject to review by the Fire Department.



- When submitting construction plans to the Building Department, **they shall include Planning's Development Permit File Number** printed on the construction plans.
- Provide two sets of reduced plans to the Fire Department once the above application has been approved by the Planning Department.
- **THE FOLLOWING GENERAL REQUIREMENTS ARE APPLICABLE TO THE SUBJECT APPLICATION:**
  - All existing and new fire hydrants shall be at least 10 feet from all driveways.
  - All structures shall be located wholly within 450 feet (road distance) of an accessible standard street hydrant.
  - A street number shall be displayed on the primary building on each parcel.
  - We reserve the right to make comments at a future date.

If you have any questions regarding these items, please contact me at (408) 277-8754.



BY: Nadia Naum-Stoian, FPE  
Bureau of Fire Prevention  
San Jose Fire Department

Fire Site Memo to Planning Application

# Memorandum

## ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

**TO:** Dipa Chundur  
Department of Planning,  
Building, & Code Enforcement

**FROM:** Geoff Blair  
Environmental Services Department

**SUBJECT:** Response to Development  
Application

**DATE:** Staff Review Agenda  
January 8, 2004

**APPROVED:** *Geoff Blair* **DATE:** 1-8-04

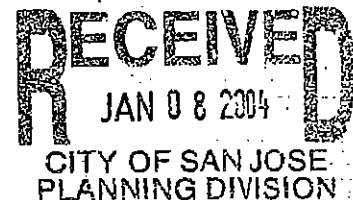
PLANNING NO. :	PDC03-105
LOCATION:	Southwest corner of Kirk Road and Salisbury Drive.
DESCRIPTION:	Conforming Planned Development Rezoning from A(PD) Planned Developmetn District to A(PD) Planned Development Zoning District to allow 6 single-family detached residential units on a 0.81 gross acre site.
APN:	44734077

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 945-5332.

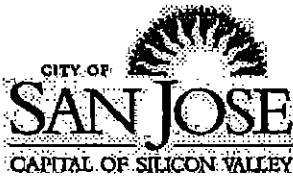
### Integrated Waste Management (IWM)

#### *Single Family Residential*

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. All residential projects must be designed<sup>1</sup> such that they will accommodate garbage and recycling collection vehicles and program setout guidelines. For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 277-5533.
2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 277-5533.



<sup>1</sup> In accordance with the San Jose Residential Design Guidelines



RECEIVED  
JUL 01 2004  
CITY OF SAN JOSE  
PLANNING DEPARTMENT

## Memorandum

### ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

**TO:** Michael Mena  
Department of Planning,  
Building, & Code Enforcement

**FROM:** Geoff Blair  
Environmental Services Department

**SUBJECT:** Response to Development  
Application

**DATE:** Staff Review Agenda  
July 1, 2004

**APPROVED:** *Geoff Blair*

**DATE:** 7-1-04

PLANNING NO. :	PD04-047
LOCATION:	Southwest corner of Kirk Road and Salisbury Drive.
DESCRIPTION:	Planned Development Permit to demolish an existing church and construct 6 single-family detached residential units on a 0.81 gross acre site.
APN:	44734077

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 945-5332.

### Integrated Waste Management (IWM)

#### *Single Family Residential*

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. All residential projects must be designed<sup>1</sup> such that they will accommodate garbage and recycling collection vehicles and program setout guidelines. For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 277-5533.
2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 277-5533.

<sup>1</sup> In accordance with the San Jose Residential Design Guidelines





# California Regional Water Quality Control Board

## San Francisco Bay Region



**Terry Tamminen**  
Secretary for  
Environmental  
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
(510) 622-2300 • Fax (510) 622-2460  
<http://www.swrcb.ca.gov/rwqcb2>

**Arnold Schwarzenegger**  
Governor

June 29, 2004

Ms. Suparna Saha  
Project Manager  
City of San Jose  
Department of Planning  
801 North First Street  
San Jose, CA 95110

**Subject:** City File No. PD04-047, Planned Development Permit to demolish an existing church and construct 6 single-family detached residential units on a 0.81 gross acre site located at the southwest corner of Kirk Road and Salisbury Drive.

Dear Ms. Suparna:

Thank you for the opportunity to comment on the subject project. Upon reviewing the notification of this proposal, dated June 15, 2004, San Francisco Bay Regional Water Quality Control Board (Water Board) staff are providing the following comments:

### **Comment 1**

The alignment of Kirk Court appears to cross over the historical alignment of Ross Creek. The culvert under Kirk Road constricts the channel width of Ross Creek and the existing intersection of Kirk Court and Kirk Road appears to be located on fill over the northern portion of the creek channel. This intersection and portions of proposed Lot 3 currently are located in the FEMA 100-year flood zone along Ross Creek. ~~The City should explore relocating Kirk Court outside of the 100-year flood zone.~~ If Kirk Court is relocated from the flood zone, then all of the lots in the subject project will be outside of the 100-year flood zone. Construction of the subject project as currently proposed, would preclude realignment of Kirk Court.

### **Comment 2**

The presence of bank erosion in the vicinity of the culvert under Kirk Road indicates that this culvert may be undersized with respect to channel-forming flows. The City should coordinate with the Santa Clara Valley Water District to assess the adequacy of the existing culvert's capacity. If the culvert is determined to be undersized, upgrading of the culvert capacity should be pursued. The channel capacity under Kirk Road may be improved by adding additional bores to the culvert or by replacing the culvert with a free span bridge. Relocating Kirk Court outside of the historic alignment of Ross Creek would reduce the required length of additional culvert bores.

Improving the channel capacity at Kirk Road will reduce long-term maintenance costs in the channel and reduce the likelihood of flooding in the project vicinity.

**Comment 3.**

Efforts to improve the existing conditions of Ross Creek by planting riparian vegetation, minimizing maintenance roads, and integrating flood benches are under consideration by the Santa Clara Valley Water District and by State and federal resource agencies. The existing alignment of Kirk Court could interfere with these interests. The City of San Jose and the project designers should coordinate with the Santa Clara Valley Water District to ensure that the alignment of Kirk Court does not preclude these kinds of improvements in this area.

If you have any questions, please contact me at (510) 622-5680 or by e-mail at [bkw@rb2.swrcb.ca.gov](mailto:bkw@rb2.swrcb.ca.gov).

Sincerely,

Brian Wines  
Water Resources Control Engineer  
Alameda-Santa Clara Watershed Section

PDC 03-105

6/24/04

## **ROCKWELL HOMES DEVELOPMENT PLAN**

San Jose City File No. APN 44734077

I have reviewed the subject plan, visited the proposed development site and offer the following comment/recommendations:

The proposed development project is scheduled to replace a church with 6 (six) single-family homes on .0814 acres of land, on the north side of Kirk Court, at the corner of Kirk Court and Kirk Road, in San Jose. The northern border of the project is along Salisbury Drive, the eastern border along Kirk Road and the southern border is along Kirk Court. The area of prime concern is at the corner of Kirk Road and Kirk Court.

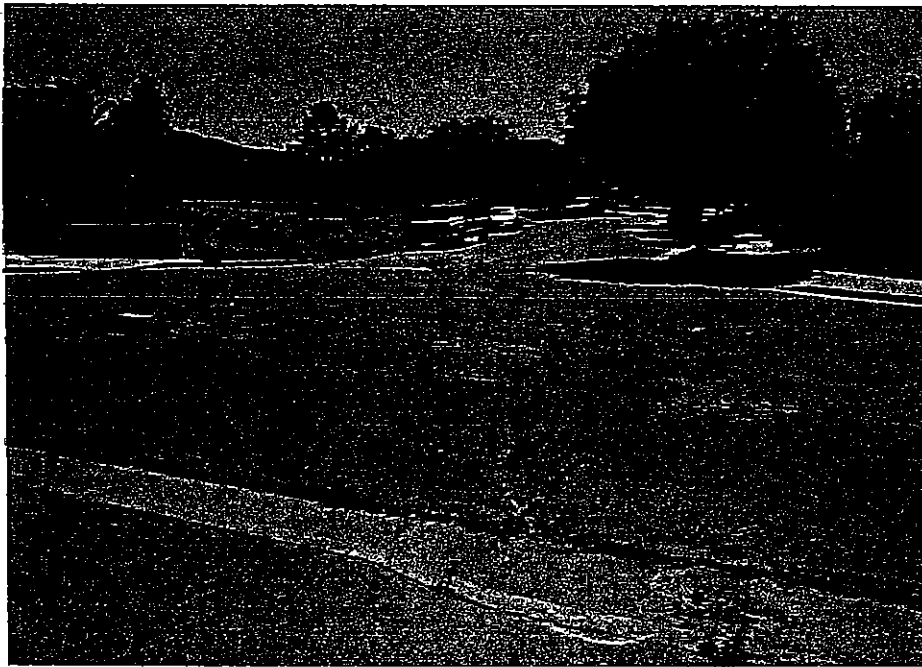
Ross Creek flows northeast towards Kirk Road and the southern side of Kirk Court, across the street from the proposed project. As it approaches the intersection it is abruptly shifted to the east to avoid going under the intersection and enters an undersized box culvert. Once under Kirk Road it continues in a northeasterly direction. The broken "X line" on the bottom left side of the project map shows the shift. Up and downstream stream of the Kirk Road Culvert the stream channel is basically a dirt ditch, which has been armored with sacks of concrete in many locations. There are dirt maintenance roads on both sides of the creek at the top of bank, which has been designated as SCVWD property/right of way on the maps. There is evidence of substantial erosion along the roads and the channel banks. At the intersection of Kirk Court and Kirk Road, Kirk Court truncates the northwestern side of the SCVWD right of way. This is a very large problem!

Ross Creek is known to cause flooding, at least downstream of this area, and it is slated for a flood control project in the not too distant future. A larger, much wider, culvert or opening under Kirk Road is absolutely essential to satisfactorily pass channel and flood flows. This will not be possible unless Kirk Court is either shifted to the north or a much longer culvert is constructed under Kirk Court and the Kirk Court/Kirk Road intersection. A better, more costly option would be to remove the culvert and construct a bridge over the creek but this would still require moving Kirk Court.

It appears as if Kirk Court could be easily shifted north to avoid the longer culvert and associated complex construction issues of tunneling under the intersection, if Lot 3 and perhaps Lot 2 of the proposed development were reduced in size or the development was otherwise re-planned. This issue needs to be addressed ASAP! It is very much related to the Water Resources Protection Collaborative efforts, SCVWD's and WMI's Stream Stewardship effort, the Upper Guadalupe River Flood Control Project, and environmental goals of the Regulatory and Environmental agencies for improving stream function, water quality and beneficial uses.

There seems to be a golden opportunity to make some extremely beneficial and not too drastic changes in the proposed project and street alignment that would benefit the creek and the neighborhood in the immediate area, as well as downstream. It would greatly reduce the risk of flooding and substantially reduce the cost of future flood control efforts and maintenance. It would also permit the rehabilitation of the stream which would greatly enhance property values. These benefits can only be realized if action is taken on this issue rather quickly to change project plans. Reference the following photos.

Larry Johmann P.E., CQE, CRE



June 25, 2004

Ross Creek - San Jose, CA

Looking southwesterly across Kirk Road. Ross Creek is on the top left of the photo, Kirk Court is at the top center and the proposed project is slated to be built in the area at the top right of the photo. The creek alignment has been shifted to the east where it flows through an undersized box culvert (concrete wall at the top left of the photo). At a very minimum, another culvert needs to be constructed from about where the cab of the blue pick-up truck is, in the center of the photo, to the bottom right center of the photo.



Jun 26, 2004

Ross Creek – San Jose, CA

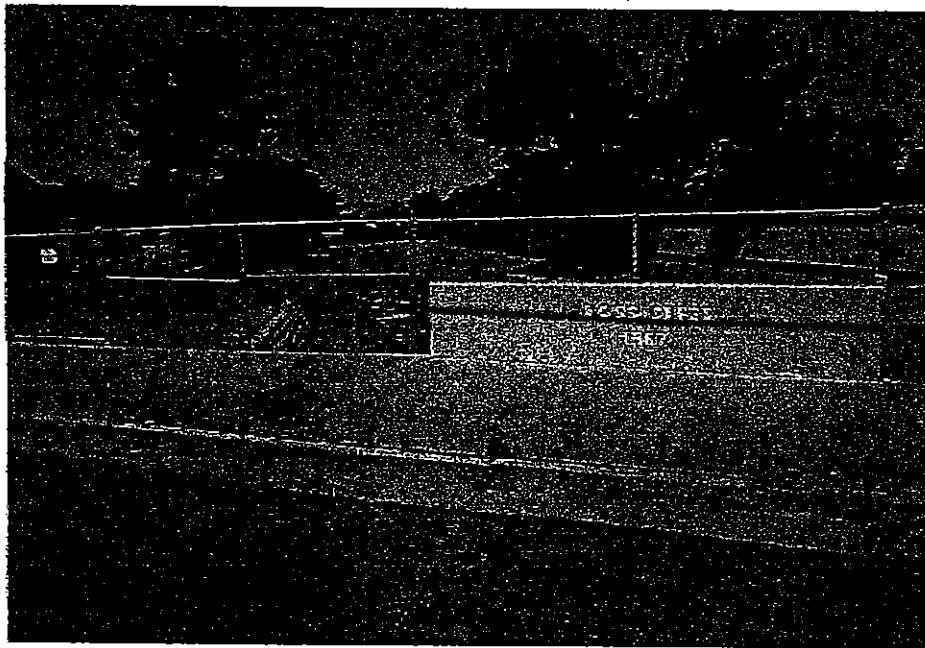
Looking southwest from Kirk Road. Kirk Court is just to the right of the chain link fence. There is evidence of erosion along the roads and banks of the creek. Small fish could be observed swimming in the shallow waters of the creek.



Jun 26, 2004

Ross Creek – San Jose, CA

Looking northeast towards Kirk Court, top left of the photo and Kirk Road running across the top of the photo. The box culvert is less than half the size of the channel and has been shifted to the right because of Kirk Court. At a minimum, another culvert needs to be built in the area from the right of the pickup truck to the present culvert.



Jun 26, 2004

Ross Creek – San Jose, CA

Looking northeast along Ross Creek from the intersection of Kirk Road and Kirk Court. The present box culvert is a foot or two narrower than the concrete wall at the right center of the photo.

# KIRK ROAD PROJECT

6 Single Family Detached Homes  
4265 Kirk Road, San Jose, California  
Planned Development Permit  
File PDC03-105

## TABLE OF CONTENTS

<u>SHEET No.</u>	<u>TITLE</u>
1	TITLE SHEET
2	LAND USE PLAN (PD ZONING DISTRICT)
3	SITE PLAN
4.1	GRADING AND DRAINAGE PLAN
4.2	GRADING PLAN SECTIONS
5.1	BUILDING ELEVATIONS 1A
5.2	BUILDING ELEVATIONS 1B
5.3	BUILDING ELEVATIONS 2B
6.1	BUILDING FLOOR PLAN A
6.2	BUILDING FLOOR PLAN B
7	LANDSCAPE PLAN
8	DETAILS

## PROJECT DIRECTORY

### OWNER / DEVELOPER

ROCKWELL HOMES  
1202 MERIDIAN AVENUE  
SAN JOSE, CA 95124  
TEL (408) 267-9400  
FAX (408) 267-9456

### ARCHITECT

DICK FINNEGAN, ARCHITECT  
P. O. BOX 3576  
SANTA CRUZ, CA 95063  
TEL & FAX (831) 464-1609

### LANDSCAPE ARCHITECT

WILSON & ASSOCIATES  
2560 NINTH STREET, STE. 315A  
BERKELEY, CA 94710  
TEL (510) 644-9602  
FAX (510) 644-9604

### CIVIL ENGINEER

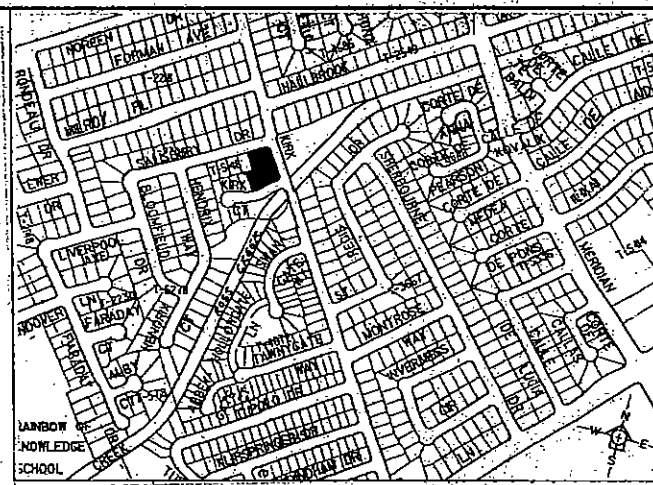
ALLIED ENGINEERING COMPANY  
3170 WILLIAMS ROAD  
SAN JOSE, CA 95117  
TEL (408) 241-1960  
FAX (408) 241-3047

GENERAL DEVELOPMENT PLAN-EXHIBIT C

TITLE SHEET

KIRK ROAD PROJECT

DATE: 08/17/04	REVISION	DATE	APPROVED BY:	DATE	DATE: 08/17/04
DRAWN BY: CO					CHECKED BY: U
SCALE: 1" = 20'					
PROJECT: 6 LOT KIRK ROAD PROJECT				SHEET 1 OF 12 SHEETS	
6 LOT KIRK ROAD PROJECT				DRAWING NO. 1	
4265 KIRK ROAD, SAN JOSE, CALIFORNIA					
ALLIED ENGINEERING COMPANY					
A LICENSED PROFESSIONAL ENGINEER					
SANTA CRUZ, CALIFORNIA					
SINCE 1977					
SANTA CRUZ, CALIFORNIA					
(408) 241-1960					
FAX (408) 241-3047					



**VICINITY MAP**  
NO SCALE

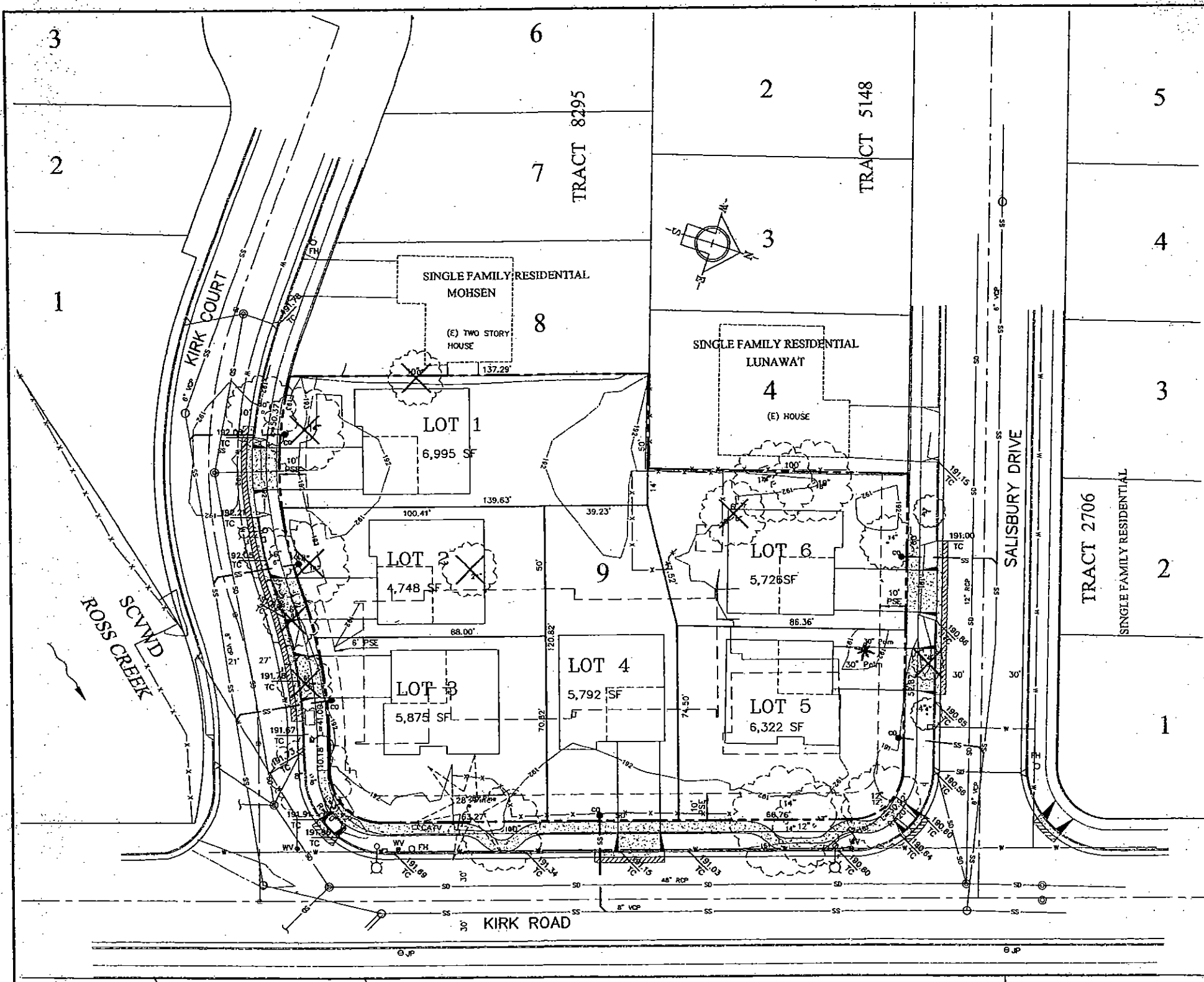
**NOTES**

PROJECT NAME	NONE
RECORD OWNER & SUBDIVIDER	ROCKWELL HOMES 1202 MERIDIAN AVENUE SAN JOSE, CA 95125 TEL (408) 267-9400 FAX (408) 267-9456
CIVIL ENGINEER	LESTER IEGAMI R.C.E. 30,520 EXPIRES MARCH 31, 2004 ALLIED ENGINEERING COMPANY 3170 WILLIAMS ROAD SAN JOSE, CA 95117 TEL (408) 241-1960 FAX (408) 241-3047
ASSESSOR'S PCL NO.	447-34-077 & 082
PROPOSED USE	6 SINGLE FAMILY RESIDENTIAL HOMES
EXISTING USE	CHURCH
EXISTING ZONING	R1
PROPOSED ZONING	R-1-8
GENERAL PLAN / LAND USE TRANSPORTATION DESIGNATION	MEDIUM DENSITY RESIDENTIAL 7.4 UNITS PER ACRE
EXISTING BUILDINGS	NONE
EXISTING WELLS	NO KNOWN WELLS
WATER SUPPLY	SAN JOSE WATER COMPANY
FIRE PROTECTION	CITY OF SAN JOSE
STORM SEWERS	CITY OF SAN JOSE
SANITARY SEWER	CITY OF SAN JOSE
CONTOURS	FIELD SURVEY USING CITY OF SAN JOSE DATUM
TOTAL AREA	0.814 ± ACRES
PROPOSED NO. OF LOTS	SIX
NEW STREET NAME	NONE
STREET TREES	CONFORM TO CITY OF SAN JOSE STREET TREE PLAN
FLOOD ZONE	FLOOD ZONE D, FIRM COMMUNITY PANEL NO. 060 3490042E, DATED 8/17/1998

**TENTATIVE MAP**  
FOR  
**ROCKWELL HOMES**

6 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION  
BEING ALL OF LOT 9 AS SHOWN ON THAT CERTAIN MAP  
OF TRACT NO. 8295 FILED FOR RECORD ON DECEMBER 9,  
1989, IN BOOK 608 OF MAPS AT PAGES 21 AND 22,  
SANTA CLARA COUNTY RECORDS AND  
LYING ENTIRELY WITHIN THE

CITY OF SAN JOSE CALIFORNIA  
SCALE: 1" = 20'  
JUNE 11, 2004



**LEGEND**

- INDICATES TREE TO BE REMOVED
- PSE PUBLIC SERVICE EASEMENT

DATE: 06/11/2004  
DRAWN BY: L.I.  
CHECKED BY: L.I.  
SCALE: 1" = 20'

APPROVED BY: [Signature]  
DATE: 06/11/2004

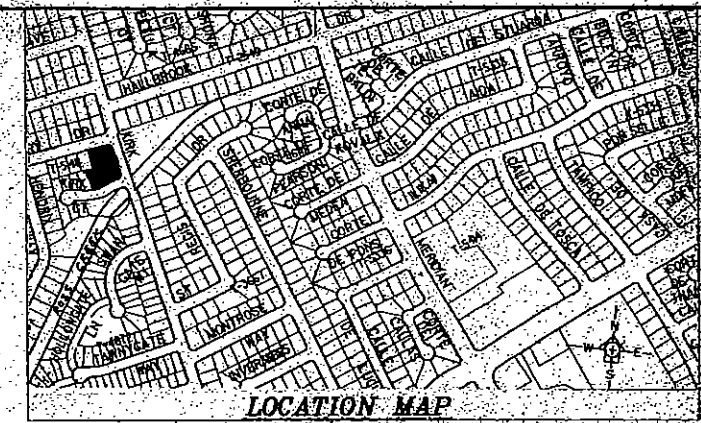
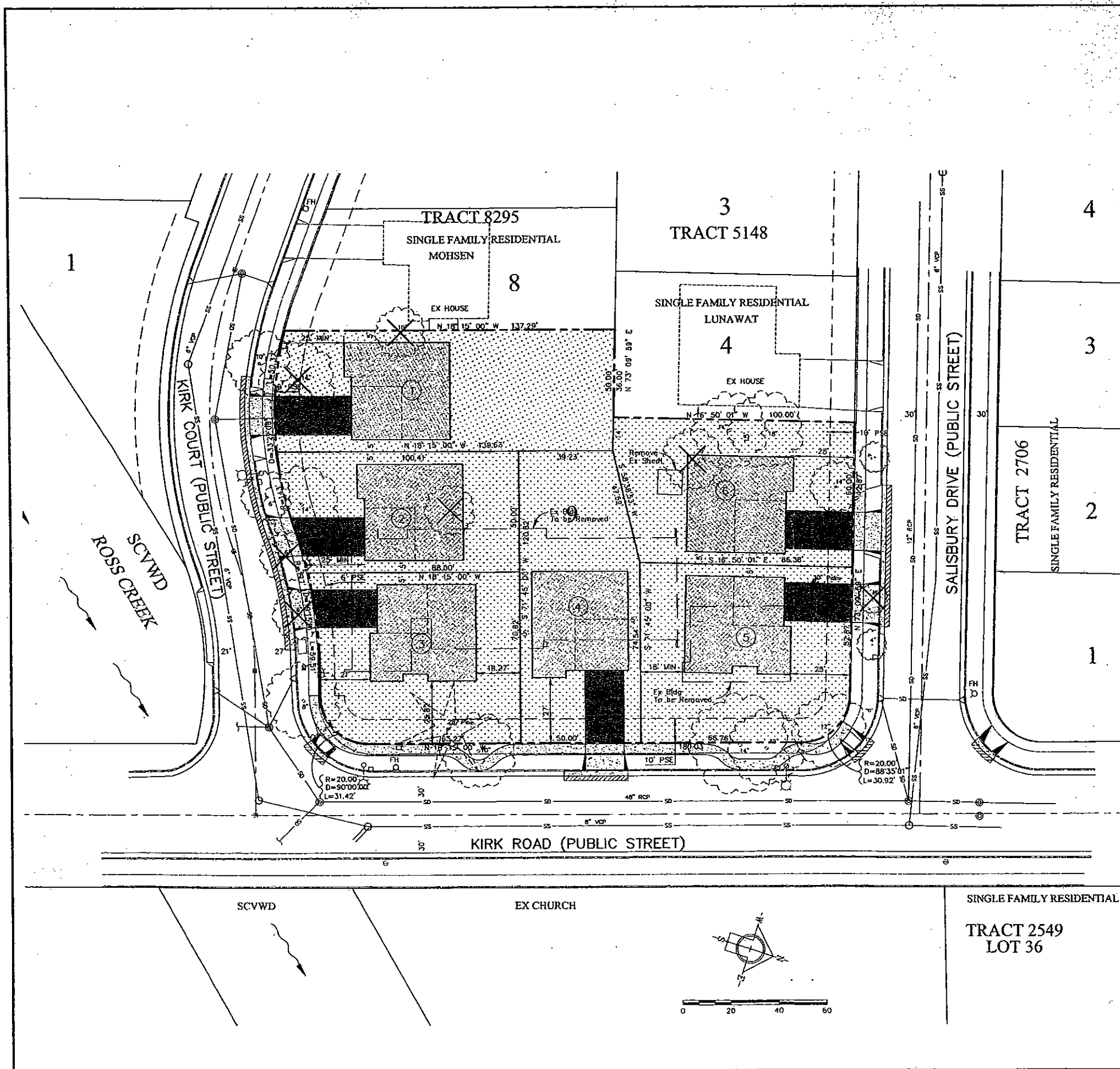
3170 WILLIAMS ROAD  
SAN JOSE, CA 95117  
(408) 241-1960  
(408) 241-3047

ALLIED ENGINEERING COMPANY  
1 DIVISION OF  
S-CUB CONSULTING  
ONE DISCOVER  
LAND PLANNERS

TENTATIVE MAP  
8 LOT KIRK ROAD PROJECT  
4285 KIRK ROAD, SAN JOSE, CA

SHEET 1  
OF 1  
1 SHEETS  
DRAWING NO.  
0356





LAND USE TABLE

SYMBOL	AREA IN ACRES	INTENDED USE
[Pattern]	0.520	LANDSCAPED AREA
[Pattern]	0.231	BLDG. COVERAGE
[Pattern]	0.063	DRIVEWAY AREA
<b>TOTAL</b>	<b>0.814</b>	<b>GROSS &amp; NET AREA</b>

RESIDENTIAL = 6 UNITS  
UNIT DENSITY = .814 ACRES = 7.4 DU/AC

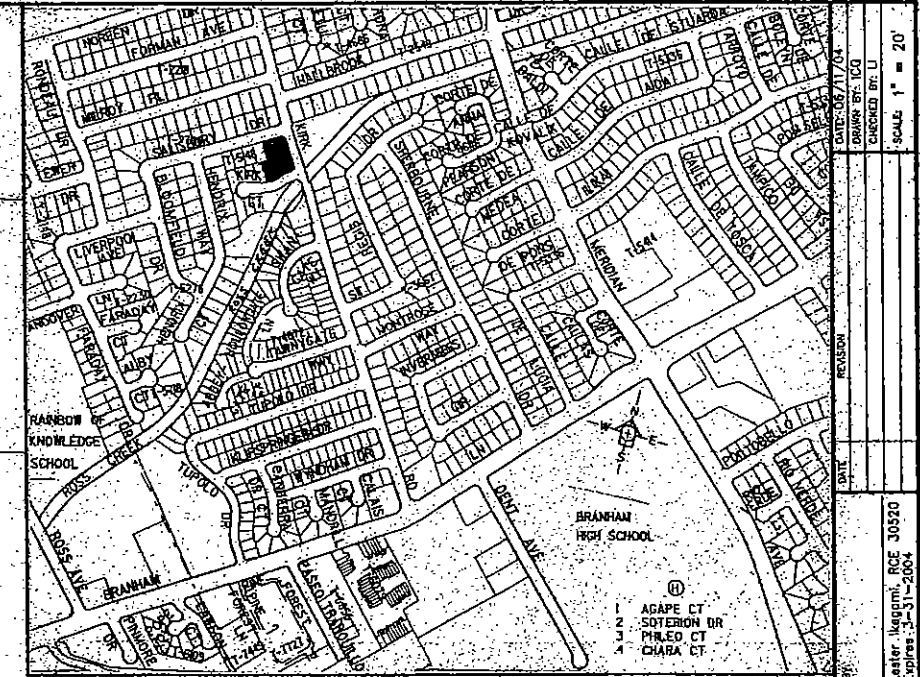
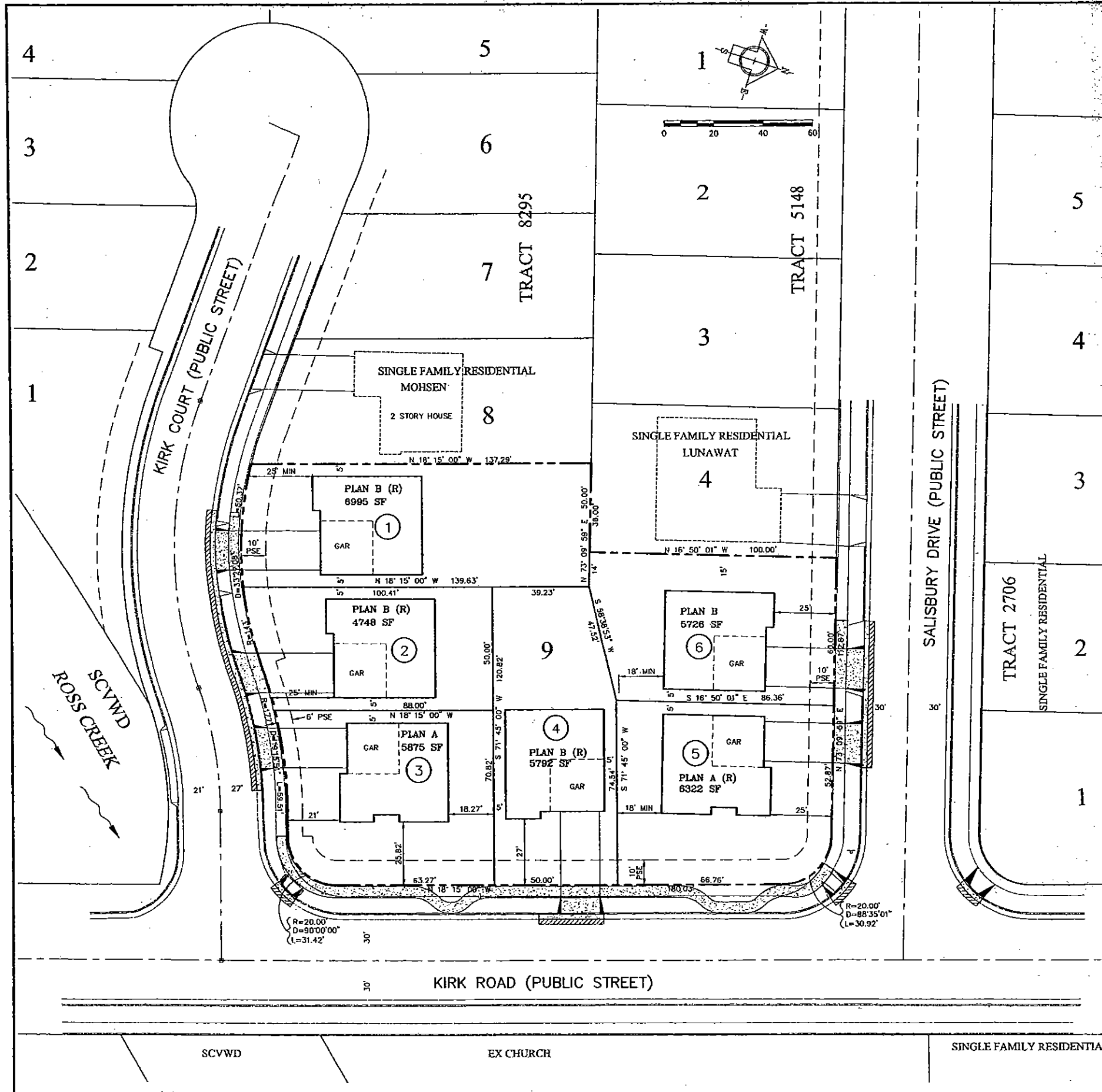
DEVELOPMENT STANDARD

MIN. BUILDING SETBACKS: 18' REAR  
5' SIDE  
21' FRONT  
BUILDING SEPARATIONS: SIDE TO SIDE = 10'  
BACK TO SIDE = 23'  
BUILDING HEIGHT: 2 STORY  
PARKING RATIO: 2 SPACES/UNIT  
MIN LOT SIZE: 4748 SQ. FT.  
MIN LOT WIDTH: 50'

OPEN SPACE SHALL BE PROVIDED IN ACCORDANCE WITH THE RESIDENTIAL DESIGN GUIDELINES.  
ALL SETBACKS ARE MEASURED TO THE OUTSIDE OF CONCRETE FOUNDATION.

DATE: 05/17/04	APPROVED BY: [Signature]	3170 WILLIAMS ROAD SAN JOSE, CA 95131 (408) 241-1100	<b>LAND USE PLAN</b> 6 LOT KIRK ROAD PROJECT 4265 KIRK ROAD, SAN JOSE, CA
DRAWN BY: D9/00	CHECKED BY: U	ALLIED ENGINEERING COMPANY A DIVISION OF CONSULTING ENGINEERS CIVIL, MECHANICAL, ELECTRICAL, & LAND PLANNING	
DATE: 05/17/04	DATE: 05/17/04	DATE: 05/17/04	SHEET 2 OF 12 SHEETS DRAWING NO. 2

GENERAL DEVELOPMENT PLANS - EXHIBIT C  
LAND USE PLAN  
KIRK ROAD PROJECT



**LOCATION MAP**  
SCALE : 1" = 500'

**SITE INFORMATION**

1. APNS: 447-34-077 & 082
2. SITE AREA = 0.814 ACRES (NET & GROSS)
3. EXISTING USE: CHURCH
4. PROPOSED USE: 6 SINGLE FAMILY DETACHED HOMES
5. OFFSITE PARKING :  
AREA = 2,750 SQ. FT.  
SPACES REQUIRED 12  
SPACES PROVIDED 12  
PERCENTAGE OF SITE AREA = 8%
6. TOTAL FOOTPRINT OF BUILDING :  
AREA = 10,060 SQ. FT.  
PERCENTAGE OF SITE AREA = 28%
7. TOTAL LANDSCAPE :  
AREA = 22,651 SQ. FT.  
PERCENTAGE OF SITE AREA = 64%
8. DENSITY = 7.4 DU/AC

**DEVELOPMENT SCHEDULE**

COMMENCEMENT DATE	COMPLETION DATE
AUGUST 2004	AUGUST 2005

**NOTES**

1. NEW HOUSES SHALL BE TWO-STORY SINGLE FAMILY DETACHED HOMES.
2. THE PAC BELL EASEMENT RECORDED IN BOOK L 537, PAGE 2070, OFFICIAL RECORDS, IS IDENTICAL TO THE PUBLIC SERVICE EASEMENT (PSE) SHOWN HEREON

**GENERAL DEVELOPMENT PLANS - EXHIBIT C**  
**SITE PLAN**  
**KIRK ROAD PROJECT**

**SITE PLAN**  
**6 LOT KIRK ROAD PROJECT**  
**4265 KIRK ROAD, SAN JOSE, CA**

DATE: 05/11/04  
DRAWN BY: CG  
CHECKED BY: LU  
SCALE: 1" = 20'

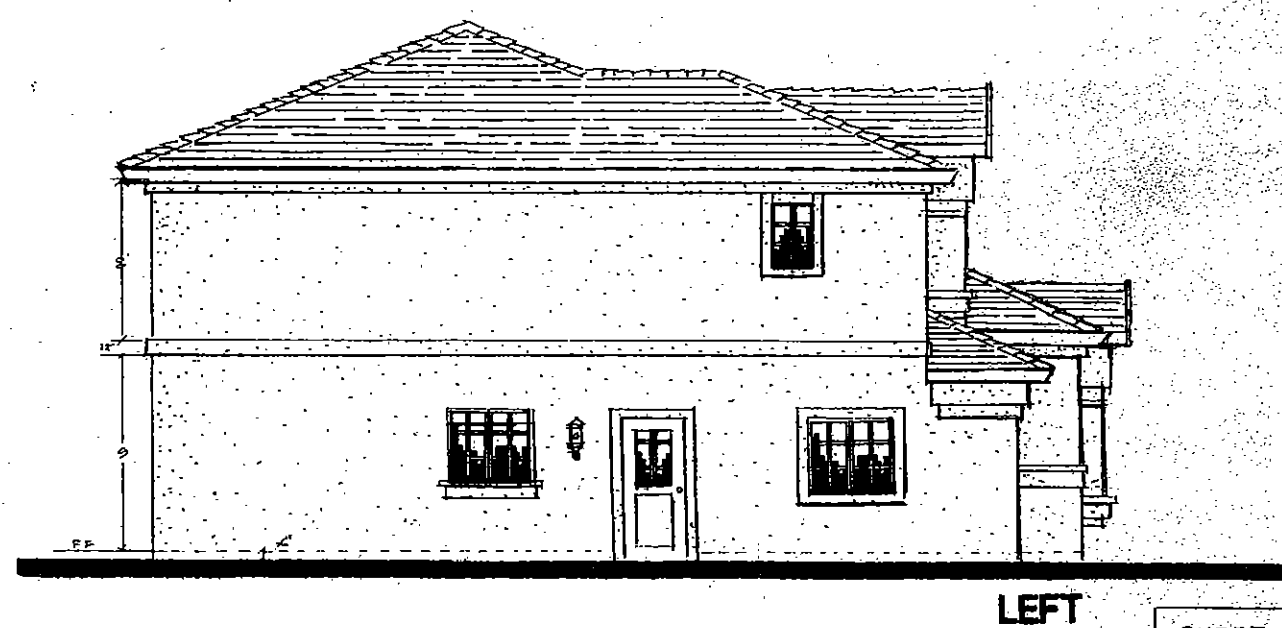
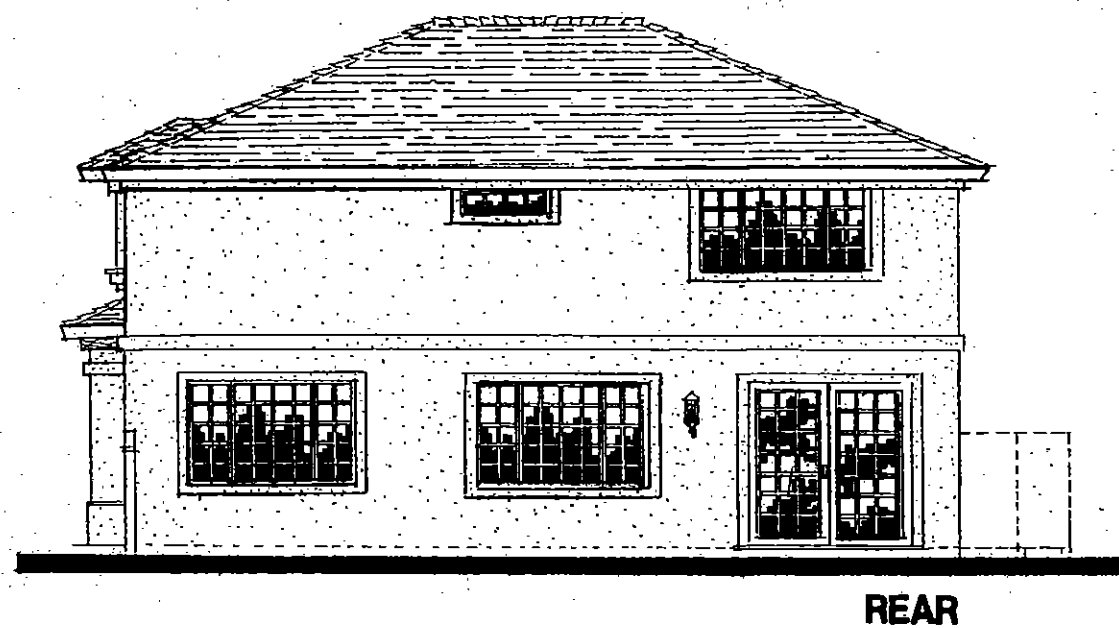
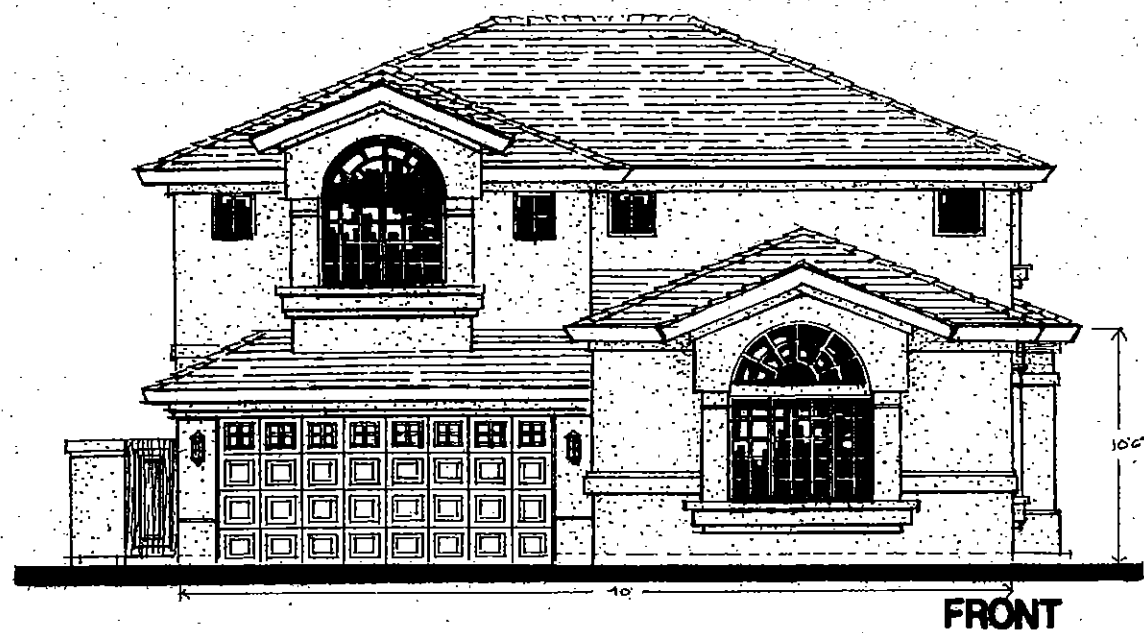
APPROVED BY: [Signature]  
DATE: [Blank]  
ENGINEER: RCE 30570  
EXPIRES: 3-31-2004

ALLIED ENGINEERING COMPANY  
A DIVISION OF  
CONSULTING ENGINEERS  
3170 WILLIAMS ROAD  
SAN JOSE, CA 95131  
(408) 261-1100

SHEET 3  
12 SHEETS  
DRAWING NO. 3





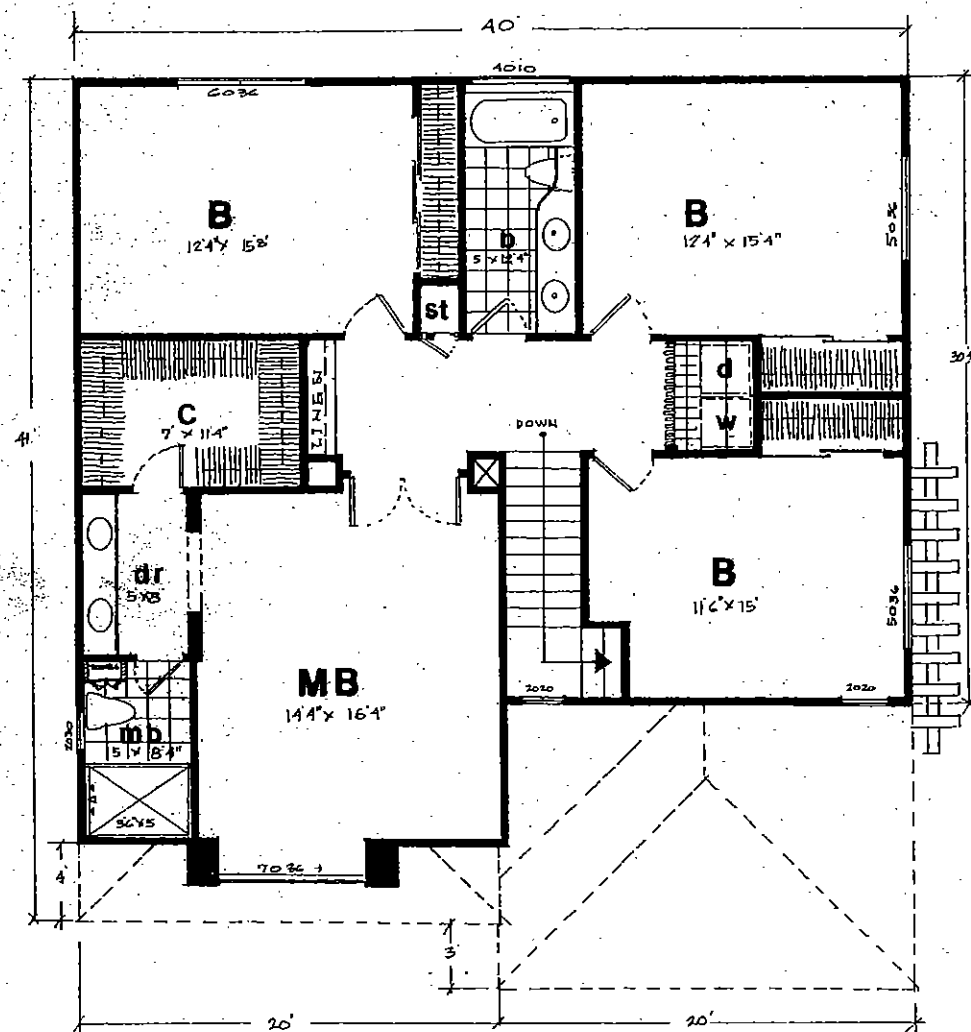


ROCKWELL HOMES INC.  
1202 MERIDIAN AVE SAN JOSE CA. 408 287 9400

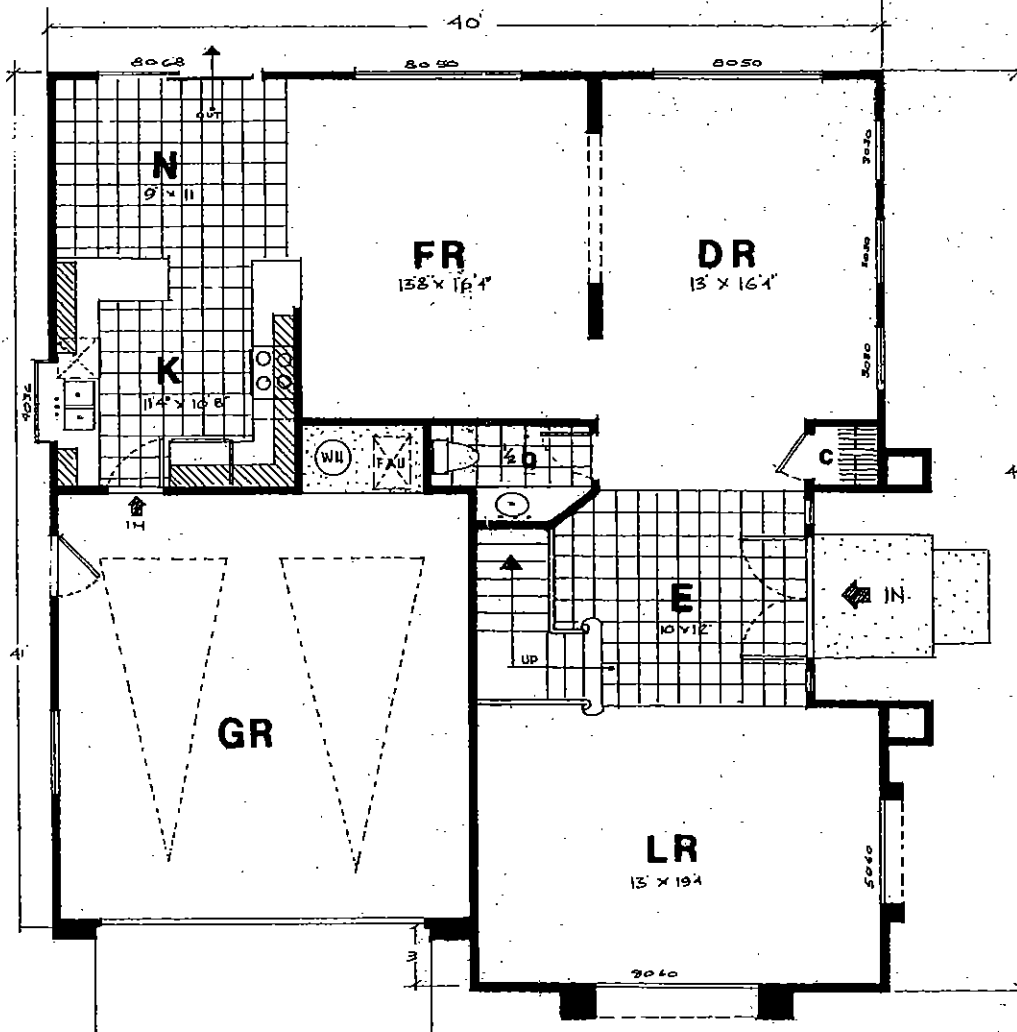
DICK FINNEGAN  
ARCHITECT

ELEVATION 1 A  
SCALE: 1/4" = 1'-0"  
DATE: 11/20/09  
DRAWN BY: D.F.  
REVISED: 1/28/04  
DRAWING NUMBER

**2<sup>ND</sup> FLOOR**  
**1320**



**1<sup>ST</sup> FLOOR**  
**1202**



**TOTAL**  
**2522**

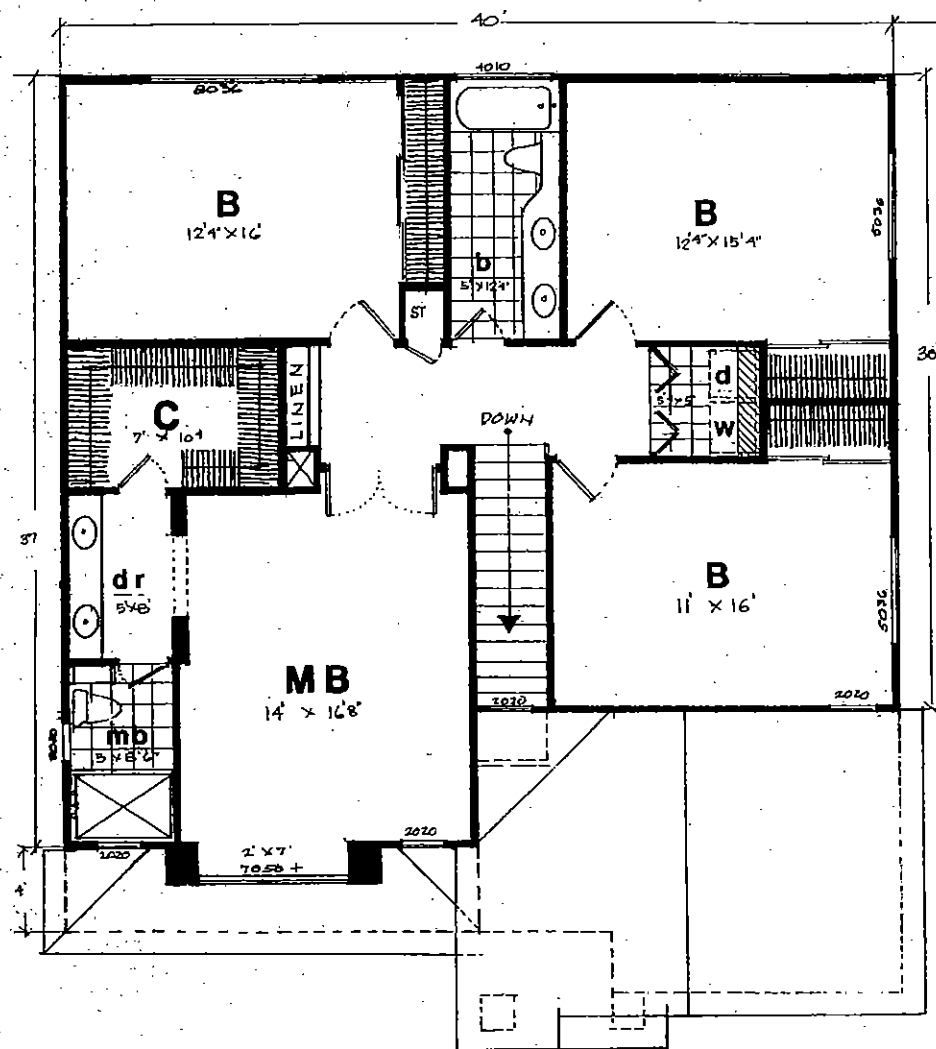
**SHEET 6-1**

FLOOR PLAN A		
SCALE: 1/4" = 1'-0"	APPROVED BY:	DRAWN BY: D.F.
DATE: 11-16-03	REVIEWED:	
		DRAWING NUMBER:

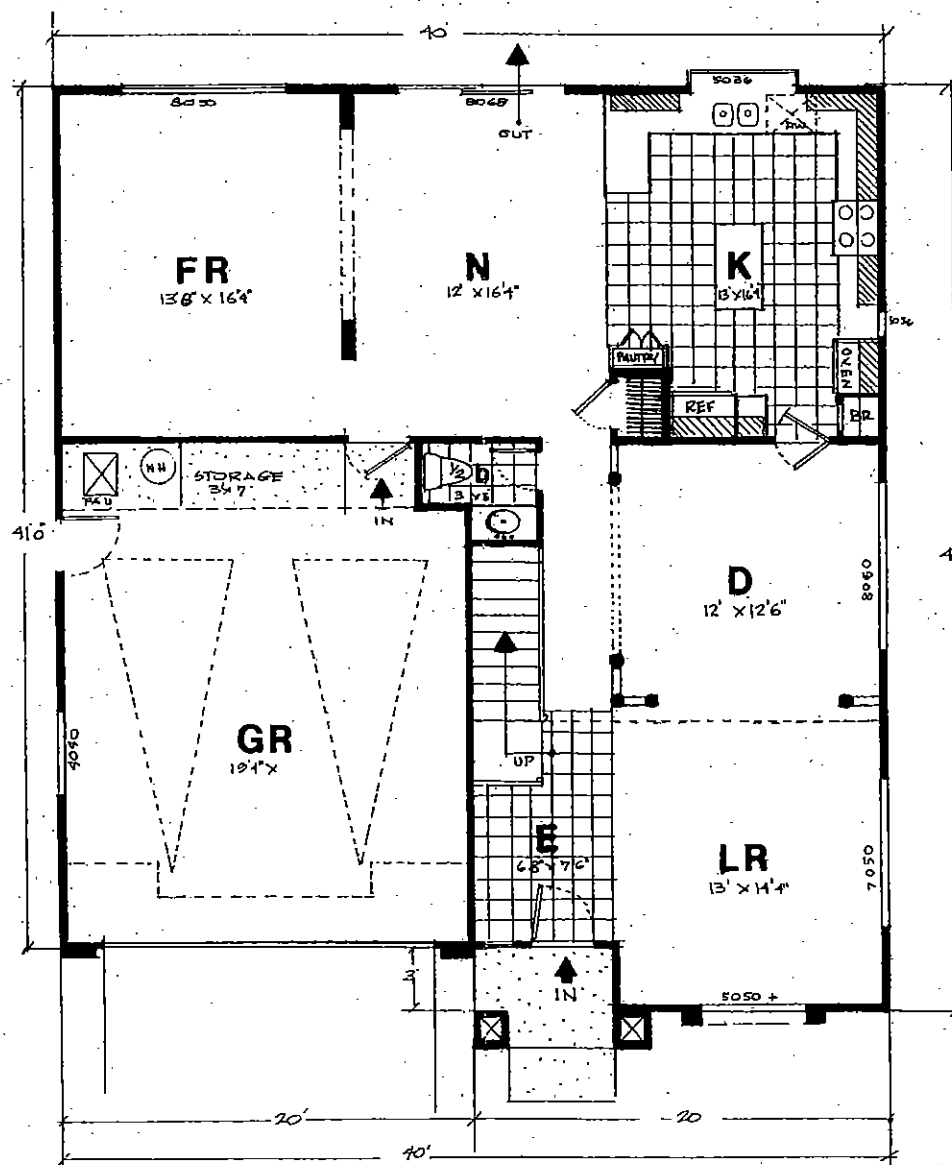
**ROCKWELL HOMES INC.**  
1202 MERIDIAN AVE SAN JOSE CA. 408 267 9400

**DICK FINNEGAN**  
**ARCHITECT**

**2<sup>ND</sup> FLOOR**  
**1320**



**1<sup>ST</sup> FLOOR**  
**1187**



**TOTAL**  
**2507**

**SHEET 6-2**

**ROCKWELL HOMES INC.**  
1202 MERIDIAN AVE SAN JOSE CA. 408 267 9400

**DICK FINNEGAN**  
**ARCHITECT**

FLOOR PLAN B	
SCALE: 1/4" = 1'-0"	APPROVED BY:
DATE: 11-17-03	DRAWN BY: D.F.
	REVISED:
	DRAWING NUMBER:

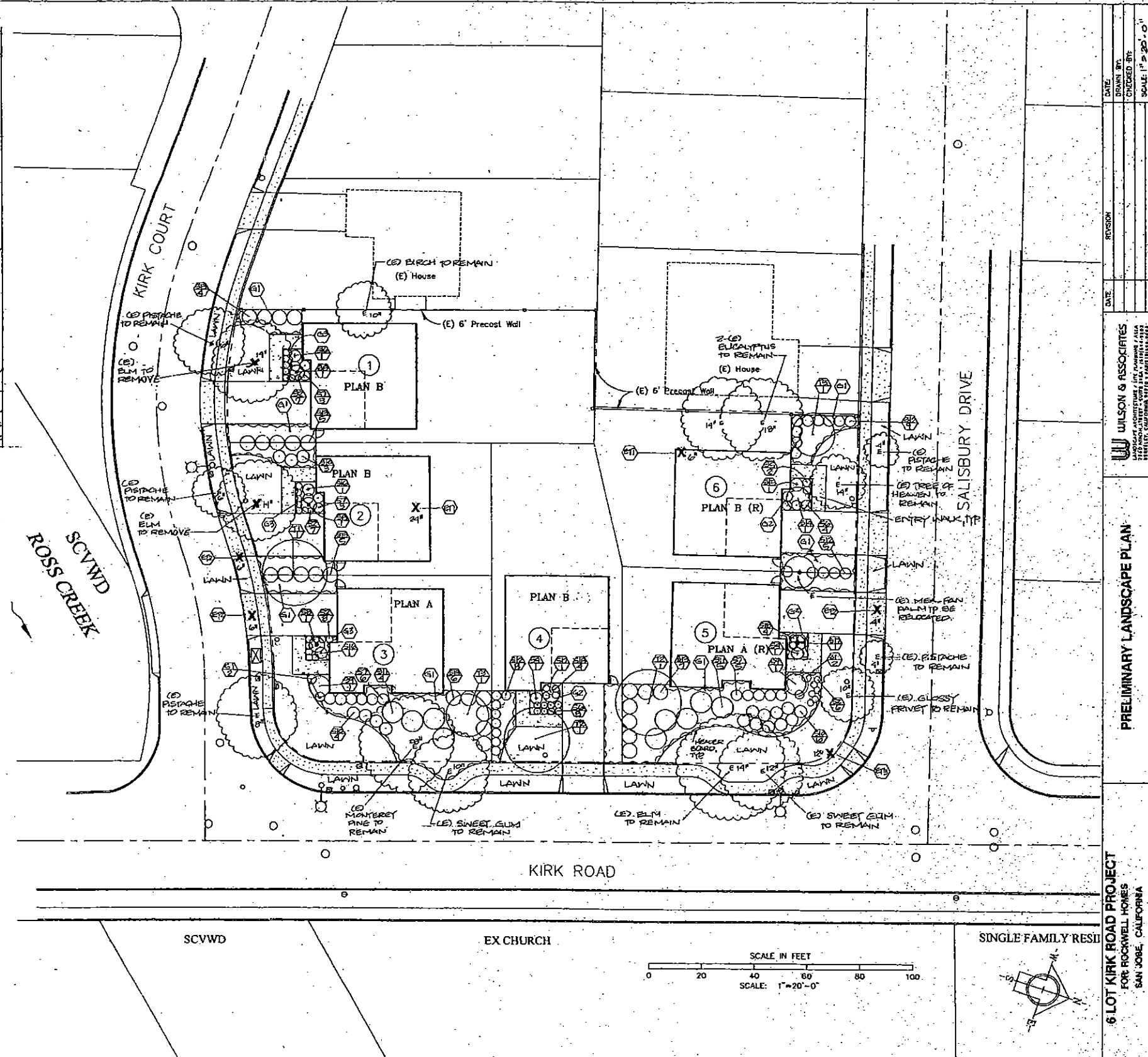


PLANT LEGEND			
KEY	BOTANICAL/COMMON NAME	SIZE	QTY. REMARKS
<b>TREES</b>			
T1	PISTACHIA CHINENSIS	PISTACHE	1590
T2	LIQUIDAMBAR S. PALM ALTO	SWEETGUM	1590
T3	CERCIS OCCIDENTALIS	WESTERN REDBUD	24' BOX
<b>SHRUBS &amp; PERENNIALS</b>			
S1	HELIOSYSA P. LIMELIGHT	LICORICE PLANT	190
S2	HEMEROCALLIS HYBRID	DAYLILY	190
S3	LIGUSTRUM J. TEXANUM	TEXAS PRIVET	590
S4	DAPHNE O. MARGINAL	WINTER DAPHNE	590
S5	HAKONECHLOA M. LAUREOLA	JAP. FOREST GRASS	190
S6	ASILBE A. AMETHYST	MEADOW SWEET	190
S7	OSMANTHUS H. VARIEGATUS	HOLLY OSMANTHUS	590
S8	CANTIANA MISS BLUFF	N.C.N.	1590
S9	PHORMIUM 'GUARDSMAN'	N. ZEALAND FLAX	590
S10	SAPHIOLIS L. 'DANCE'	INDIA HAWTHORN	590
S11	VIBURNUM SUSPENSUM	SANDWICHIA VIB.	590
S12	PITCOBOLUS EUGENIODES	N.C.N.	590
S13	ESCALLONIA FRAGRE	N.C.N.	590
S14	FATSIA JAPONICA	JAPANESE ARALIA	1590
S15	CAMELLIA J. 'NUOGIO'S GEM'	N.C.N.	1590
S16	MICHELIA FIGO	BANANA SHRUB	590
S17	SOLANUM RANTONETII	N.C.N.	1590
S18	PARFLIGIUM 'ALBEO-MACULATUM'	N.C.N.	190
<b>GROUNDCOVERS</b>			
G1	ELIOMYUS F. COLOREATA	WINTERCREEPER	FLATS AS REQ SPACE TRI. 12'x12'
G2	VINCA MINOR	MYRTLE	FLATS AS REQ SPACE TRI. 12'x12'
G3	DYMONDIA MARGARETAE	N.C.N.	FLATS AS REQ SPACE TRI. 12'x12'

EXISTING TREES TO BE REMOVED (X)		
KEY	BOTANICAL/COMMON NAME	CONDITION
E1	WILMUS SPP./ELM	GOOD
E2	PISTACHIA CHINENSIS/CHINESE PISTACHE	GOOD
E3	JUGLANS SPP./WALNUT	FAIR

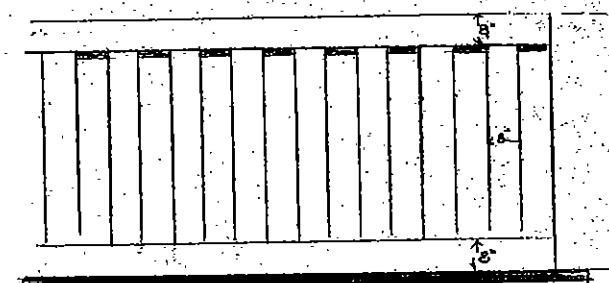
# NOTES

- 1) A WATER CONSERVING AUTOMATIC IRRIGATION SYSTEM WILL BE PROVIDED FOR ALL NEW LANDSCAPE AREAS.
- 2) A 2" LAYER OF BARK MULCH WILL BE INSTALLED IN ALL SHRUB AREAS.
- 3) CORRECTIVELY PRUNE (E) TREES AS DIRECTED BY LANDSCAPE ARCHITECT.

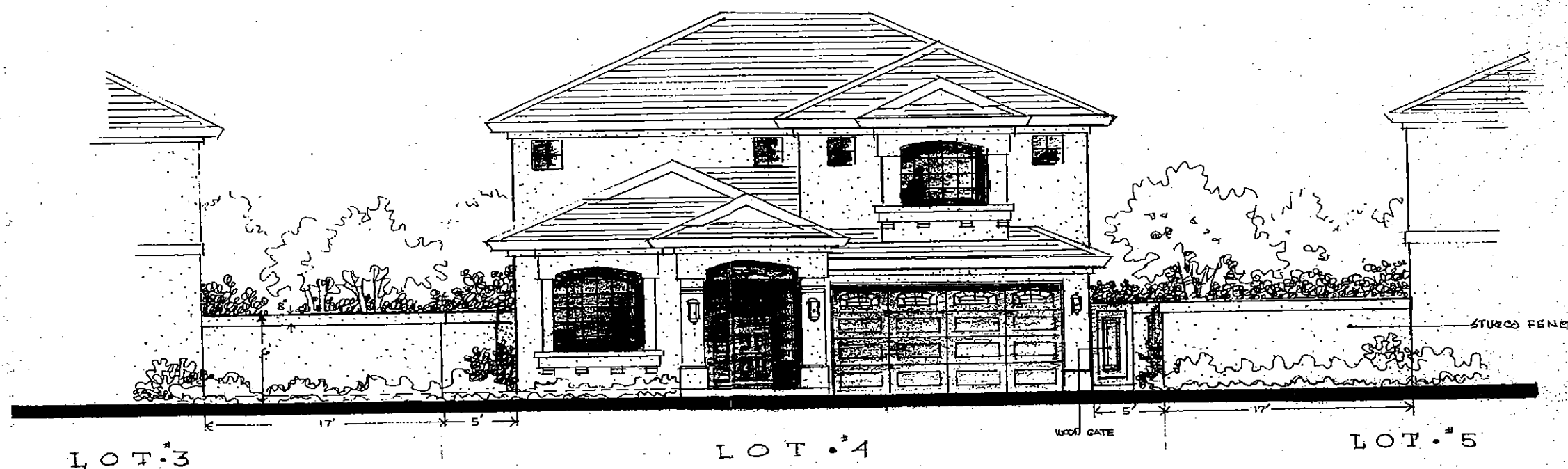




REVISIONS	BY



INTERIOR YARD FENCING "WOOD"



LOT #3

LOT #4

LOT #5

**ROCKWELL HOMES INC.**  
1202 MERIDIAN AVE SAN JOSE CA. 408 267 9400

WALLS • FENCES

**DICK FINNEGAN**  
ARCHITECT

Date 6/5/01  
Scale 1/4" = 1'-0"  
Drawn DF  
Job  
Sheet 8  
by